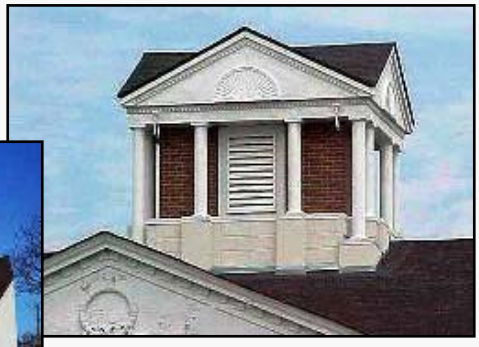
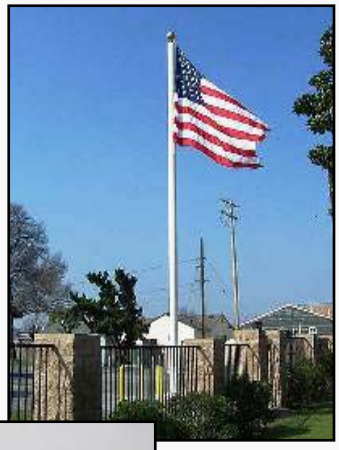
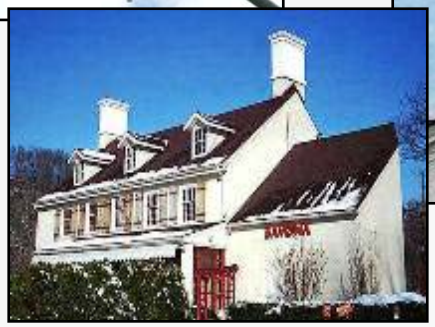
Final Generic Environmental Impact Statement

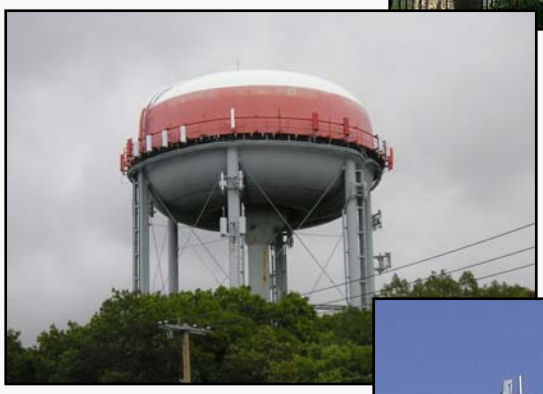
Town of Southampton
Wireless Communications Plan and Local Law
Article XXVII: Wireless Communications Transmission
Support Structures and Antennas

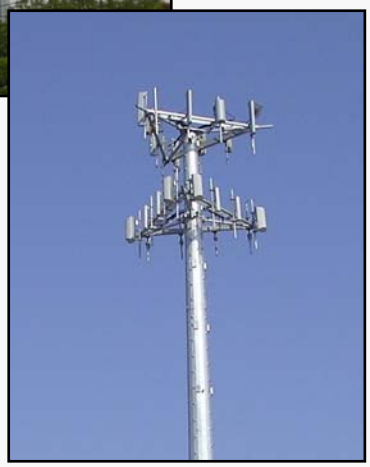
March 2008











Prepared for:

Town of Southampton

Hon. Linda A. Kabot, Town Supervisor
Hon. Nancy S. Graboski, Councilwoman
Hon. Daniel A. Russo, Councilman
Hon. Christopher R. Nuzzi, Councilman
Hon. Anna Throne-Holst

Prepared by:

Cashin Associates, P.C.
ENGINEERING • PLANNING • CONSTRUCTION MANAGEMENT

Final Generic Environmental Impact Statement

Town of Southampton
Wireless Communications Plan and Local Law
Article XXVII: Wireless Communications Transmission Support Structures and Antennas

March 2008

Project Location and Sponsor:
Town of Southampton, Suffolk County, New York

Lead Agency:
Town of Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, NY 11968

Contact Person:
Richard Blowes, Town Management Services Administrator
Town of Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, NY 11968

Preparer:
Cashin Associates, P.C.
1200 Veterans Memorial Highway
Hauppauge, NY 11788

Date submitted: _____
Date accepted by Lead Agency: _____

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

TOWN OF SOUTHAMPTON WIRELESS COMMUNICATIONS PLAN AND LOCAL LAW ARTICLE XXVII: WIRELESS COMMUNICATIONS TRANSMISSION SUPPORT STRUCTURES AND ANTENNAS FGEIS

TOWN OF SOUTHAMPTON
SUFFOLK COUNTY, NEW YORK

MARCH 2008

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APPENDIX-C	Central Pine Barrens Joint Planning and Policy Commission	February 19, 2008
APPENDIX-D	Julie Penny, Co-Chair South Fork Groundwater Task Force	February 29, 2008

OTHER PERTINENT DOCUMENTS

APPENDIX	TITLE	DATE
APPENDIX-E	Amended DGEIS	Amended March 2008

SECTION 1

Introduction

CHAPTER 1: INTRODUCTION

1.1 Overview

This document is the Final Generic Environmental Impact Statement (FGEIS) for the proposed "Town of Southampton Wireless Communications Plan and Local Law Article XXVII: Wireless Communications Transmission Support Structures and Antennas." The proposed plan and amended legislation were prepared for the purposes of creating a framework of procedures, policies, standards, and regulations for guiding the application process, siting, construction, monitoring, and installation of wireless communications facilities in the Town of Southampton. The FGEIS has been prepared in accordance with Section 8-0109 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act, SEQR) and the implementing regulations of SEQR at 6 NYCRR Part 617, including the content specifications of final environmental impact statements contained in 6 NYCRR §617.9(b)(8).

The project has been identified as a Type I action pursuant to SEQR and the Southampton Town Board has assumed "Lead Agency" status in this matter. Preparation of this DGEIS was authorized by the Town Board of the Town of Southampton/Lead Agency so as to determine whether the proposed action will result in significant environmental impacts, and, if so, whether modifications can be made to the proposed action to avoid or suitably mitigate such impacts.

A Draft Generic Environmental Impact Statement (DGEIS) dated January 2008 was prepared for the proposed action. At its January 22, 2008 meeting, the Southampton Town Board accepted the DGEIS as complete with respect to its scope and content for the purposes of commencing public review, in accordance with 6 NYCRR §617.9(a)(2) and a public hearing was scheduled (Resolution-2008-225). The public hearing date and a description of the proposed action was published in a local newspaper of wide circulation as well as the New York State Department of Environmental Conservation's

(NYSDEC's) January 30, 2008 Environmental Notice Bulletin (ENB). The proposed plan, law, and DGEIS were subsequently circulated to involved agencies and made available to the general public to solicit commentary in accordance with 6 NYCRR §617.12.

A joint public hearing for the DGEIS, proposed plan, and legislation was held by the Town Board on February 12, 2008 pursuant to the requirements of 6 NYCRR §617.9(a)(4). The hearing was held open and a second joint public hearing was provided on February 26, 2008 to allow further opportunity for public and agency input. Four questions or comments were presented at the February 12, 2008 public hearings. Three of the questions were from Town Board members and one was from a member of the public. No questions or comments were offered at the February 26, 2008 public hearing. The combined hearing for the DGEIS and proposed plan was closed at the end of the February 26, 2008 hearing and a ten-day written comment period was designated for the DGEIS and proposed plan. The hearing for the proposed Code amendments remained open and a third public hearing to consider the amendments was scheduled for March 25, 2008.

The FGEIS for the subject action was completed after the close of the designated written comment period and was made available for Town acceptance or rejection during its regularly scheduled March 25, 2008 meeting. Following its official acceptance by the Southampton Town Board, this FGEIS will be circulated in accordance with the requirements of 6 NYCRR §617.12 and a notice of acceptance will be posted in the NYSDEC's ENB. The Town Board will designate a minimum period of ten calendar days for agencies and the public to consider the FGEIS before issuing its findings and taking final action.

1.2 Incorporation of the DGEIS into FGEIS Document

The January 2008 DGEIS as amended March 2008 pursuant to applicable input from the public and involved and interested agencies is included in its entirety in Appendix E of

this FGEIS. Directly incorporating the amended DGEIS into the FGEIS was considered the most efficient and practical approach to fulfilling the FGEIS content requirements as outlined under 6 NYCRR §617.9(b)(8).

1.3 Content of DGEIS

The DGEIS was prepared by the Town of Southampton with assistance from Cashin Associates, P.C. of Hauppauge, New York. The DGEIS consists of all chapters required by SEQR including: Executive Summary; Introduction; Environmental Setting, Impacts, and Mitigation; and Alternatives. Specific environmental topics include: geology, topography, and soils; agricultural resources; groundwater; surface waters and wetlands; ecology; land use and zoning; transportation; community services and utilities; cultural, historic, and visual resources; critical environmental areas; noise; energy/energy conservation; and public health and safety.

1.4 Purpose of FGEIS

This FGEIS, in conjunction with the amended March 2008 DGEIS included in Appendix E, is intended to provide the Southampton Town Board, as the lead agency and primary decision-making body relative to the proposed action, with information relating to potential environmental impacts associated with the adoption and implementation of the "Final Draft Wireless Communications Plan" dated December 11, 2007 and proposed Local Law entitled: "ARTICLE XXVII: Wireless Communications Transmission Support Structures and Antennas" dated January 22, 2008. This document, along with the forthcoming SEQR Findings Statement, will also facilitate a determination by the Southampton Town Board as to whether the Plan and Local Law should be adopted as currently proposed.

1.5 Scope and Content of the FGEIS

The primary objective of this FGEIS is to address substantive comments that were raised during the public review of the DGEIS, and draft Plan and Local Law. Chapter 2 of this FGEIS identifies all substantive verbal and written comments received by the Lead Agency during the public hearings and written comment period and provides a response to each as required by 6 NYCRR §617.9(b)(8). The comments that are addressed in this FGEIS were made or submitted during the public hearing held by the Town Board on February 12 2008 or were entered into the record as written correspondence within the designated public review period.

SECTION 2

Responses to Substantive Comments

CHAPTER 2: RESPONSES TO SUBSTANTIVE COMMENTS

2.1 Introduction

This section of the FGEIS provides responses to substantive comments compiled by the Lead Agency, the Town Board of the Town of Southampton, during the SEQR public review phase for the Town's Wireless Communications Plan and associated Code amendments. Comments received during the SEQR public review process included:

- Comments or questions presented at the public hearing held Tuesday February 12, 2008;
- Comments or questions presented at the public hearing held Tuesday February 26, 2008;
- Written correspondence received during the SEQR public review process which extended from the time the DGEIS was determined to be adequate for public review on January 22, 2008 to the close of the written comment period for the DGEIS at the close of business on Friday March 7, 2008.

Four questions were presented at the February 12, 2008 public hearings for the DGEIS and draft plan and Code amendments. Three of the questions came from Town Board members. One question was from a member of the public. Each of the four questions was responded to during the public hearing. Not every question received was directly relevant to the DGEIS or involved environmental issues. However, they are addressed below for the purposes of maintaining a full, accurate, and detailed record. No comments or questions were presented at the February 26, 2008 public hearing.

In total, four separate written correspondences were received during SEQR public review period. These correspondences are provided in their entirety in Appendices A through D.

In order to facilitate review of the FGEIS by interested parties, this document is broken into two sections: "Public Hearing Questions and Comments" and "Written Correspondence". Verbal questions or testimony presented during public hearings are labeled "PH". PH-1 indicates the first public hearing. No comments or questions were presented at the second public hearing ("PH-2"). The speaker and the hearing date are provided in parentheses at the end of each question or comment. Since very few public comments were received, it was not necessary to rely on meeting transcripts.

In regard to written commentary, each document or correspondence that was received was assigned an identifying code based on the initials of the author. Within each document, substantive comments were identified and consecutively numbered (for example, SPB-1 is the first comment in the Southampton Planning Board's memorandum, SPB-2 is the second comment in correspondence SPB, etc.).

The correspondence codes used for this FGEIS are as follows:

Table 1

Correspondence Codes

Code	Commentator	Type of Correspondence and Date
SCDP	Suffolk County Department of Planning	Letter to Town Clerk dated February 4, 2008
SPB	Town of Southampton Planning Board	Adopted advisory resolution to Town Board dated February 21, 2008
PBC	Central Pine Barrens Joint Planning and Policy Commission (Pine Barrens Commission)	Letter to Town Clerk dated February 19, 2008
JP	Julie Penny, Co-Chair, South Fork Groundwater Task Force	Email correspondence to Town Board dated February 29, 2008
PH-1	As indicated	Public Hearing held February 12, 2008
PH-2	NA/No comments or questions received	Public Hearing held February 26, 2008

2.2 Public Hearing Questions and Comments

2.2.1 Tower/Antenna Height Restrictions

Comment PH-1-1:

Does the proposed legislation include an absolute maximum height restriction on towers/antennas? (Councilman Chris Nuzzi, February 12, 2008, public hearing)

Response PH-1-1:

The proposed legislation does not include an absolute maximum height restriction. However, several standards, procedures, and mechanisms are provided to address tower and antenna height. These standards, procedures and mechanisms include:

- Prohibitions against guyed towers which are commonly the tallest wireless communications towers (§ 330-309 H. (1), "Site Design Standards", "Additional Transmission Support Structure Requirements");
- The plan and proposed code amendments encourage the use of a greater number of lower facilities as opposed to a lesser number of taller facilities;
- The plan and proposed legislation promote collocation and use of existing facilities and structures such as communications towers, buildings and rooftops, water towers, steeples, cupolas, flagpoles, transmission towers, and utility poles (§ 330-300 D. (1), "Purpose and Findings" and § 330-302 B. (1), "Location Standards", "Opportunity sites");
- The plan and proposed legislation both promote locating new facilities only where they are needed based on service coverage which limits the need for new facilities with unnecessary heights;
- Standards for separation distances from off-site uses and fall zones (issues related to height) (§ 330-309 I., "Site Design Standards", "Separation");

- The proposed code amendments also, in some instances, indicate the level of review that is required based on the height of antennas. For example, new antennas that will extend the height of an existing structure by more than 10 feet do not fall under the Tier I, Tier II, or Tier III classifications. This condition, in conjunction with § 330-304, "Exemptions", and § 330-305, "Permitted use/tier classifications and review procedures" indicates that structures of such height would be subject to Special Exception Permit review and approval. The proposed Code amendments contain language indicating special conditions and safeguards for special exception uses that include, under certain circumstances, pre-submission conferences that require at least two alternatives which defer from the preferred request, and which, among other factors, considers height (§ 330-306 B. (2), "Special exception uses. Special conditions and safeguards"). Moreover, issues considered prior to granting special exception permission include height (§ 330-306 C. (1), "Special exception uses. Special Conditions and safeguards", "Factors considered in granting special exception permission");
- Section 330-307 A. (2), "Visual compatibility standards", "Structure mount, height" of the draft law, also restricts the height of any free-standing alternative transmission support structure proposed for construction on Town-owned property to no more than 35 feet above ground level;
- Section 330-308 A. (1), "Antenna Development Standards", indicates that an antenna shall not extend vertically above the uppermost portion of the structure to which it is mounted or attached, as follows: "[n]ot more than the height of the antenna on the transmission support structure, alternative transmission support structure or commercial buildings or 10 feet, which ever is greater"; and
- Limits on the area that a support structure can occupy (maximum 500 square feet) which can also affect total height (§ 330-309 H. (2), "Site Design Standards", "Additional Transmission Support Structure Requirements").

2.2.2 Emergency Services Antennas

Comment PH-1-2:

Does the legislation include streamlined application processing or expedited review for emergency services antennas? (Town Supervisor, Linda Kabot, February 12, 2008 public hearing)

Response PH-1-2:

Yes. Emergency services are considered governmental or quasi-governmental bodies. Amended § 330-304 A (1), "Exemptions", states that "transmission support structures and antennas erected by a governmental or quasi-governmental body such as public safety or police operations [that are] used exclusively for a governmental purpose" are exempt from the provisions of the proposed law but that "transmission support structures and antennas erected by a governmental or quasi-governmental body that include or will include any proprietary use shall be subject to the provisions of [the] Article."

Also, § 330-304 C., "Exemptions", states that:

> "In the event a building permit is required for any emergency maintenance, reconstruction, repair or replacement, [such as an emergency services facility that also contains a proprietary use] filing of the building permit application shall not be required until 30 days after the completion of such emergency activities. In the event a building permit is required for non-emergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such non-emergency activities."

2.2.3 SEQR Timeframe and Process

Comment PH-1-3:

Outline the remaining SEQR procedure (Councilwoman Nancy Graboski, February 12, 2008 public hearing).

Response PH-1-3:

The remaining steps in the SEQR process (beginning after the close of the public hearing for the DGEIS) are as follows:

- designate a minimum ten calendar days to receive written comments after the close of the last public hearing for the DGEIS;
- prepare/or authorize preparation of an FGEIS, including written responses to all substantive verbal and written comments received during the public comment period including those from the public and interested and involved agencies and identify any modifications made to the DGEIS in response to the comments received;
- acceptance of the FGEIS by the Town Board (Lead Agency) as adequate and accurate for commencing public and agency review;
- publish the acceptance of the FGEIS in NYSDEC's Environmental Notice Bulletin;
- designate a minimum ten calendar-day written comment period for public review after acceptance of the FGEIS;
- prepare or authorize preparation of a final SEQR Findings Statement by all involved agencies, that:
    - considers the relevant environmental impacts, facts, and conclusions disclosed in the FGEIS;
    - weighs and balances relevant environmental impacts with social, economic and other considerations;
    - includes a rationale for the lead agency's decision;
    - certifies that the requirements of 6NYCRR Part 617 SEQR have been met; and

- certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, that the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

- adoption of SEQR Findings Statement by the Southampton Town Board (Lead Agency).

2.2.4 Regulated Facilities

Comment PH-1-4:

Are private satellite antennas regulated under the proposed legislation? (Howard Salton [spelled phonetically], February 12, 2008 public hearing)

Response PH-1-4:

No. The language of the draft Local Law has been amended to make clear that dish TV or other home satellite dishes will be exempt from review and no building permit for such equipment is required. Specifically, § 330-304 A. (4) of the draft amended Local Law states that: "[s]atellite dish antennas for residential home entertainment use with a diameter of six (6) feet or less" are exempt from the provisions of the law but that "[s]atellite stations for commercial use or those in excess of one (1) dish antenna are subject to special exception review by the Planning Board."

An additional public hearing will be/was held on March 25, 2008 to allow consideration and commentary relating to the amended draft Local Law.

2.3 Written Correspondence

2.3.1 Suffolk County Planning Commission (SCPC)

Comment SCPC-1:

A letter of non-jurisdiction dated February 4, 2008 was received from the Suffolk County Planning Commission regarding the proposed action. No further comments or questions were provided.

Response SCPC-1:

The letter is acknowledged.

2.3.2 Town of Southampton Planning Board (SPB)

The Town of Southampton Planning Board provided correspondence dated February 21, 2008 to the Town Board. The letter indicates that the Planning Board has no Planning issues regarding the DGEIS and supports the Wireless Communications Master Plan document and its recommendations. The Planning Board did, however, recommend the following amendments to the draft Local Law:

Comment SPB-1:

A definition for "Fall Zone" should be added to the Code.

Response SPB-1:

A definition for "fall zone" was added to the proposed legislation. An additional public hearing will be/was held on March 25, 2008 to allow consideration and commentary regarding the amended draft Local Law.

Comment SPB-2:

The definition/restrictions for wireless installation within a flag pole should be further refined, and the height should be limited.

Response SPB-2:

The definition/restrictions for wireless installation within flag poles have been refined and a maximum height of 35 feet has been provided in the amended local law. An additional public hearing will be/was held on March 25, 2008 to allow consideration and commentary regarding the amended draft Local Law.

Comment SPB-3:

The "Stealth" definition appears to be broad, consider clarifying. Note that fake pine trees should not be permitted or considered as "stealth".

Response SPB-3:

The stealth definition was kept broad because it is unknown what types of new and improved stealth technologies will arise in the future.

Comment SPB-4:

The "Viewshed" definition should add "Scenic Corridor" and include any references from the 1999 Comprehensive Plan Update.

Response SPB-4:

The draft legislation was revised to address this comment. An additional public hearing will be/was held on March 25, 2008 to allow consideration and commentary regarding the amended draft Local Law.

Comment SPB-5:

§330-305 D. Tier One (1)(a)[4] references that there should not be a visual conflict. The Planning Board finds this vague and questions who will be the arbiter of this standard, as the applicant will only be required to obtain a building permit under this scenario. Since the limit for Tier One is installation of up to 5 antennas, these are assumed to not have a visual conflict. In light of this, the Planning Board recommends this standard be taken out.

Response SPB-5:

The standard has been removed from the amended draft Local Law as requested.

Comment SPB-6:

§330-305 D. Tier Three (3)(b)[2] discussed the height of a new transmission support structure based on prevailing vegetation height. The Planning Board supports using the measurement of existing tree canopy height where vegetation exists. Where no vegetation exists in the surrounding area where a structure is proposed, the height of such structure should be limited to a maximum of 50 feet (or apply under a Special Exception review)

Response SPB-6:

The draft Local Law has been amended to place a 50-foot height restriction on new transmission support structures where an exiting tree canopy does not exist. An additional public hearing will be/was held on March 25, 2008 to allow consideration and commentary regarding the amended draft Local Law.

Comment SPB-7:

The Planning Board suggests that equipment shelters have motion detector lighting and that all lighting be consistent with Dark Skies initiatives.

Response SPB-7:

The draft legislation was revised to address this comment. An additional public hearing will be/was held on March 25, 2008 to allow consideration and commentary regarding the amended draft Local Law.

2.3.3 Central Pine Barrens Joint Planning and Policy Commission (PBC)

A letter dated February 19, 2008 was received from the Central Pine Barrens Joint Planning and Policy Commission. The letter provides comments relative to both the DGEIS and the proposed Wireless Communications Plan and also includes a section on general recommendations. For the sake of a complete review, all comments are addressed in this FGEIS.

2.3.3.1 *Comments Relating to the DGEIS*

Comment PBC-1:

Executive Summary, p. ES-6. The Wireless Plan should indicate that it is consistent with all adopted land use plans, including the Central Pine Barrens Land Use Plan and ECL Article 57 (Pine Barrens Act) through the Town's implementing regulations.

Response PBC-1:

The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-2:

Executive Summary, p. ES-6. "The Plan and zoning amendments must be forwarded to the Suffolk County Planning Commission for review." Add that the Plan and zoning amendments should also be forwarded to the Commission (as noted on p. 1-15).

Response PBC-2:

The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-3:

Section 1.2, p. 1-3. Add the underlined to the sentence, "…recognize that the long-term and cumulative impact of wireless antennas…"

Response PBC-3:

The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-4:

Section 1.5.2, p. 1-8. "…the holding of a joint public hearing(s) for the DGEIS (optional) and proposed draft Plan and legislative amendments." Note the date of the public hearing.

Response PBC-4:

The purpose of Section 1.5.2 was to outline general SEQR procedures. When the completed DGEIS was submitted for Town review and acceptance or rejection as it relates to the adequacy and scope of the DGEIS, a public hearing date had not yet been set. After the DGEIS was duly accepted, the Town Board was responsible for determining whether a public hearing was warranted, and if so, when such hearing should be scheduled in accordance with SEQR public notice and review and processing timeframes. Therefore, it was premature to include a hearing date in the January 2008 DGEIS. The Introduction section (Section 1) of this FGEIS thoroughly outlines the pertinent procedures and timelines to date, including the dates of the public hearings for the DGEIS (February 12, 2008 and February 26, 2008).

Comment PBC-5:

Section 1.6.1, p. 1-11. Add bullet to list…Require the Certificate of Occupancy to indicate the maximum buildout of facilities. Note that no new infrastructure is to be permitted once buildout is achieved. The Building Division should provide the Planning Division with a summary list/update on annual basis to determine whether existing facilities have reached maximum buildout and coordinate data with the Town Board and Planning Board.

Response PBC-5:

Section 1.6.1 of the DGEIS is meant to be a summary of the administrative recommendations of the draft Wireless Communications Plan. Since such issues relating

to build-out were not included in the draft Wireless Communications Plan, they were naturally not included in the DGEIS as part of the action description.

The number of facilities or carriers that a tower can support is based on the physical integrity of the structure. Facility applications contain plans and necessary information such as the structural specifications and number of facilities proposed or carriers to be accommodated. Proposals for additional future facilities on existing structures must be accompanied by information demonstrating sufficient facility capacity before they can be approved.

Section 330-311 A.(1)(2) and (3), "Application requirements", of the draft code amendments requires pertinent information relating to structural specifications and capacity as follows:

"A. In addition to any other building permit application requirements, a building permit application for any wireless communication facility shall also include:

(1) A site plan which shows existing and proposed transmission support structures and all related equipment and equipment shelters including but not limited to warning signs, lighting, fencing and access restrictions;

(2) A description of the proposed transmission support structure(s), including details and elevations showing height above grade, materials, color and lighting; and

(3) A report by a registered professional civil or structural engineer licensed in the state of New York demonstrating compliance with applicable structural standards and describing the general structural capacity of any proposed transmission support structure(s), including the total number and type of antennas that can be structurally accommodated (potential for co-location)."

Based on the preceding and routine site plan, special exception, and building permit procedures, no further documentation or recordkeeping relating to certificates of occupancy or the buildout of wireless facilities is necessary.

Comment PBC-6:

Section 1.6.2, p. 1-12. Provide all data to demonstrate no overlapping would occur, where gaps in services exist, and Master Plan buildout of facilities based on company-based market studies/strategies developed by the wireless provider to avoid future piecemeal applications.

Response PBC-6:

Section 1.6.2 of the DGEIS is meant to be a "summary of proposed regulatory requirements" for the proposed action. Since the above considerations were not included in the draft Wireless Communications Plan, they were naturally not included in the DGEIS as part of the action's description.

A small degree of overlap is necessary to ensure full coverage. The Town has collected extensive data relating to coverage which are graphically displayed on a series of maps provided in the Wireless Communications Plan. The plan provides a comprehensive assessment of towers and facilities currently existing in the Town and indicates preferences and suitable locations to serve coverage needs and demand. Maps provided in the plan include: available coverage for the various wireless telecommunications utilities, facility avoidance areas, vertical assets, proposed telecommunications sites, and existing towers and antennas.

Moreover, § 330-311. A (4) (a), "Application requirements" of the draft legislation requires that all building permit applications for any wireless communication facilities include "[a] report by a professional Radio Frequency (RF) engineer including [t]he basis for the estimation/calculation of coverage and/or capacity."

Based on the preceding, no additional information is necessary.

Comment PBC-7:

Section 1.6.2, p. 1-12. Add the underlined to the sentence, "Propose an alternative and demonstrate there is no feasible alternative…"

Response PBC-7:

The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-8:

Section 1.7, p. 1-15. Add the underlined to the sentence, "…generally speaking, the Wireless Plan and Local Law are intended to minimize the impacts of facility development and minimize redundancy in proliferation of facilities."

Response PBC-8:

The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-9:

Section 1.8, p. 1-15. Due to proximity and possibly siting near boundaries of other municipalities, include other municipalities that may be impacted by proposed facilities, including but not limited to, Village of Southampton, Village of Westhampton Beach, Village of Sag Harbor, Village of Quogue, Town of East Hampton, Town of Brookhaven, and Town of Riverhead.

Response PBC-9:

The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-10:

Section 2.0.2, p. 2-2. As stated above, include other municipalities such as Towns and incorporated Villages adjoining the boundaries of the Town of Southampton.

Response PBC-10:

The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-11:

Section 2.1.2, p. 2-5. The existing grade/slope of a project site will be evaluated to determine potential adverse environmental impacts from tower height due to existing topography.

Response PBC-11:

The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-12:

Section 2.2.3, p. 2-9. Determine whether the silo reference is applicable to the Town of Southampton and should be referenced in this document.

Response PBC-12:

The use of existing or future agricultural structures such as barns or silos may be suitable locations for mounting future wireless facilities and could assist in mitigating impacts on the agricultural or pastoral character of an area. Such installations must be consistent with the Wireless Communications Plan and its implementing legislation, including § 330-302 B. (2), "Applicability", "Avoidance Areas" which identifies agricultural lands and open space/greenbelt areas as avoidance areas "unless the installation is fully camouflaged or 'stealth'." The amended DGEIS provided in Appendix E further addresses the above comment.

Comment PBC-13:

Section 2.6.2, p. 2-20. Include buildout note on the Certificate of Occupancy.

Response PBC-13:

See Response PBC-5 regarding DGEIS comments.

Comment PBC-14:

a) Section 2.10.3, p. 2-33. "Construction or installation of a limited number of facilities in the Central Pine Barrens…" The phrase "*limited number*" is too general, vague, and undefined. This section should be expanded to more clearly explain the number of facilities envisioned and that may be considered in the Central Pine Barrens. The number of facilities could be, at a minimum, the number currently foreseen where gaps in service exist. If a number is dependent on the design features of a facility (height, type, etc.), then at a minimum provide a map and description of the areas of existing service gaps to relate that information to the locations of potential new sites. Once a certain threshold of approved projects is reached, an update and evaluation of the status of approved and constructed facilities and whether or not additional

facilities are still needed should be prepared (e.g., on an annual basis) by the Town and coordinated with Involved Agencies.

b) Indicate that the Core Preservation Area of the Central Pine Barrens will be avoided.

c) Include a reference that coordination with the Commission will occur for projects in the Central Pine Barrens area.

Response PBC-14:

a) Section 330-302 B. (2), "Avoidance areas", indicates that wireless communications facilities shall not be located in the Central Pine Barrens Core Preservation Area, unless approved by the Central Pine Barrens Joint Policy and Planning Commission. The amended DGEIS provided in Appendix E states this requirement and the reference to "a limited number of facilities in the Central Pine Barrens" has been removed.

It is unknown where or even whether a private entity might propose future facilities, particularly since different facilities have different ranges depending on location, height, topography, and other factors. Also, future siting of facilities depends on the availability, acquisition, or leasing of land or existing structures, structural capacity, available technologies, and other factors. The draft Wireless Communications Plan includes maps of proposed facilities sites and the coverage areas for the different providers.

b) The amended DGEIS provided in Appendix E has been revised accordingly.

c) The amended DGEIS provided in Appendix E has been revised accordingly.

Comment PBC-15:

Section 2.13.2, p. 2-36. *Anticipated Impacts on Public Health and Safety*. Could the preparer provide reference to or citations of data from NYSDOH, EPA, etc. on this subject? Consider "Potential Impacts" rather than "Anticipated Impacts."

Response PBC-15:

The amended DGEIS provided in Appendix E has been revised accordingly.

2.3.3.2 *Comments Relating to the Wireless Communications Plan*

Comment PBC-1:

p. 21. The Wireless Plan should include a section and discussion on the Potential Adverse Impacts on Natural Resources. The section should include, but not be limited to, an examination and assessment of peer-reviewed literature on potential adverse impacts from wireless facilities on avian species and other wildlife (e.g., honeybee populations).

Response PBC-1:

Section added. However, second party literature is used. Legislative provisions such as prohibitions against the construction of new guyed towers, avoidance of critical environmental areas, collocation of antennas on existing towers, siting in accordance with service coverage demands, general limitations on facility height and other recommended and required guidelines will help to mitigate impacts to wildlife.

Comment PBC-2:

p. 27. *Table of Propagation Study Results: Carrier Weak Areas and Potential Solutions*. Note in Hamlet Area column if site is in the Central Pine Barrens Core Preservation Area or Compatible Growth Area, where applicable.

Response PBC-2:

The proposed Wireless Communications Plan was updated as requested.

Comment PBC-3:

p. 39. Policy 4 indicates that facilities should be sited in public rights-of-way or other quasi-public locations. This section should explicitly state that facilities should remain outside of the boundaries of the Core Preservation Area of the Central Pine Barrens.

Response PBC-3:

This policy encourages the placement of antennas on existing infrastructure, specifically in residential neighborhoods and on Town property rather than undeveloped and undisturbed sections of the Pine Barrens Core Preservation Area. Section 330-302 B. (2) of the proposed Code amendments prohibits new wireless communications facilities within the Central Pine Barrens Core Preservation Area, unless approved by the Central Pine Barrens Joint Planning and Policy Commission. All future development must be consistent with the protections set forth in section 330, "Zoning" of the Southampton Town Code, including compliance with "Article XXIV, Central Pine Barrens Overlay District", which regulates actions within the Central Pine Barrens consistent with the "Central Pine Barrens Comprehensive Land Use Plan". Moreover, the recommendation begins with the words "To the extent feasible…" implying, among other things, that environmental and other considerations may be stand in the way. This particular text has been modified as: "To the extent feasible and appropriate...".

Comment PBC-4:

Attachment V. Wireless Communications Facility Hierarchy of Siting Preferences. This section should note avoidance of the Core Preservation Area of the Central Pine Barrens to the maximum extent practicable.

Response PBC-4:

The proposed Wireless Communications Plan was updated as requested. Also, the Central Pine Barrens Core Preservation area is listed as an "avoidance area" under § 330-302 B. (2) of the proposed Code amendments.

Comment PBC-5:

p. VIII-2, Table I, "Recommendations to be implemented through the ordinance update." In the "Involved Entities" section, add the Central Pine Barrens Joint Planning and Policy Commission.

Response PBC-5:

The proposed Wireless Communications Plan was updated as requested.

Comment PBC-6:

p. VIII-3, Table I, "Recommendations to be implemented through the ordinance update." Add "Coordination with Involved Agencies."

Response PBC-6:

The Town automatically coordinates all applications and SEQR reviews with applicable involved agencies. It does this pursuant to 6 NYCRR 617 (SEQR), the New York State

Environmental Conservation Law (E.C.L) Article 57, Section 57-0123-3(a), and through the Town's standard administrative policies and procedures.

Comment PBC-7:

p. VIII-6, Table II, "*Recommendations to be implemented through the facility permitting and permit renewal processes*." In the "Involved Entities" section, add the Central Pine Barrens Joint Planning and Policy Commission.

Response PBC-7:

The proposed Wireless Communications Plan was updated as requested.

Comment PBC-8:

p. VIII-8, Table III, "*Recommendations to be implemented through facility planning and monitoring*." In Policy Numbers 6.1 and 6.2, under the column Involved Entities, add Central Pine Barrens Joint Planning and Policy Commission.

Response PBC-8:

The proposed Wireless Communications Plan was updated as requested.

2.3.3.3 ***Other General Recommendations***

Comment PBC-1:

The New York State Environmental Conservation Law (E.C.L) Article 57, Section 57-0123-3(a) states:

"Subsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan"...

Response PBC-1:

The proposed Wireless Communications Plan and implementing legislation are consistent with the Central Pine Barrens Comprehensive Land Use Plan, its goals and intent, as well as "Article XXIV, Central Pine Barrens Overlay District", of the Southampton Town Code which provides the framework for the Town to implement the Comprehensive Land Use Plan.

Comment PBC-2:

Please notify the Commission of all proposed wireless facilities to be located within the boundaries of the Central Pine Barrens area. Notification and coordination will assist in keeping the Commission's records of facilities current. The Commission will determine the extent of its jurisdiction over all plans for facilities and will conduct the review for consistency with the goals and objectives of ECL Article 57 and the Central Pine Barrens Comprehensive Land Use Plan. The Commission will seek Lead Agency status for any development proposed in the Core Preservation Area pursuant to the State Environmental Quality Review Act, as required by Section 4.5.1.1 of the Land Use Plan.

Response PBC-2:

The Town will notify and coordinate all wireless communication facilities reviews proposed within the Central Pine Barrens area with the PBC in accordance with the "Central Pine Barrens Comprehensive Land Use Plan" and normal operating procedures. It also specifically acknowledges Section 4.5.1.1 of the Central Pine Barrens Comprehensive Land Use Plan which states that "[t]he Commission shall seek lead agency status for development proposed in the Core Preservation Area pursuant to the State environmental Quality Review Act."

Comment PBC-3:

While the DGEIS recognizes that uncoordinated proliferation of antenna sites and piecemeal wireless facilities are not desirable, it should more clearly provide a framework for comprehensive regional wireless facility planning and provisions for the Commission to participate in the development of such a plan for the Central Pine Barrens area.

Response PBC-3:

The Town, pursuant to its normal operating procedures, has made a referral to the PBC to solicit input regarding the Town's proposed Wireless Communications Plan, draft implementing legislation, and DGEIS. The Town has incorporated the many good comments received from the PBC into the amended DGEIS dated March 2008 provided in Appendix E of this FGEIS. The proposed plan and legislation have been carefully reviewed and found to be consistent with the Central Pine Barrens Comprehensive Land Use Plan. Future wireless communication facilities applications that are proposed within the Central Pine Barrens area will be referred to the PBC for review and comment as indicated by the Central Pine Barrens Comprehensive Land Use Plan.

Regional wireless communications plans for areas outside of the Town should be developed by regional agencies with input from affected communities. It is beyond the scope of this study and the Town's jurisdictional powers to develop plans for other communities and regional jurisdictions. Future regional wireless communication facilities plans that affect land within the Town should be consistent with the Town's proposed plan and implementing legislation which has been modified through a thorough public and interested and involved agency review process that addresses many regional concerns (e.g., PBC comments).

Comment PBC-4:

The DGEIS and Plan should contain an inventory of all potential co-location sites in the Central Pine Barrens to determine existing facilities that are currently at maximum capacity (i.e., not future co-location feasibility) and the full buildout/maximum capacity of existing facilities that could support additional infrastructure.

Response PBC-4:

The request does not provide a rationale for the need for identifying facilities that are already at maximum capacity. These facilities are not expected to accommodate additional equipment and therefore will not result in additional future environmental impacts. All future applications for building permits or site plan approvals and special exception permits must demonstrate that structures are sufficient to support additional facilities.

In addition, the Wireless Communications Plan contains:

- a map, tabular inventory and photo inventory of all existing facilities (both in and out of the Central Pine Barrens areas) with all available information on their capacity;
- a map of potential co-location sites -- i.e. "vertical assets"; and
- a map of the Central Pine Barrens for cross referencing.

Each application will be reviewed on a case by case basis. If collocation is not feasible because an exiting facility is at maximum capacity, it will not occur. Furthermore, the Town's proposed legislation prohibits facilities within the Central Pine Barrens Core Preservation Area, unless the Pine Barrens Commission chooses to allow them based on its protective guidelines. Determining the full buildout/maximum capacity of all existing facilities is beyond the scope of the plan.

2.3.4 Julie Penny, Co-Chair, South Fork Groundwater Task Force

An email correspondence was received by the Town Board from Julie Penny, Co-Chair, South Fork Groundwater Task Force dated February 29, 2008.

Comment JP-1:

The email includes a number of downloaded articles and Internet links to websites that raise and discuss possible health effects of electromagnetic radiation and cell phone use.

Response JP-1:

The purpose of the Town's proposed plan and Code amendments is to regulate future wireless communications facilities in the Town to the extent permissible by law. Section 704 of the 1996 Federal Telecommunications Act gives local governments zoning authority over the siting and deployment of wireless communications facilities; however, § 332 of the Act places certain limits on local authority. As an example, municipalities are prohibited from rejecting an application or building permit for wireless facilities based on health concerns if the facilities meet the FCC's regulations concerning radio frequency (RF) emissions. In other words, local rules in this regard can not be more stringent than Federal ones. Local authorities can, however, require that carriers demonstrate compliance with federal guidelines.

The FCC has instituted guidelines for human exposure to RF electromagnetic fields based on the recommendations of two expert organizations: the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE). Both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The exposure guidelines are based on thresholds for known adverse effects, and they incorporate margins of safety. In adopting the most recent RF exposure guidelines, the FCC consulted with the Environmental Protection Agency (EPA), Food and Drug Administration (FDA), Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH), and obtained each agency's support for the guidelines that the FCC now uses. The applicable federal agencies continue to monitor new and technically and scientifically sound literature relating to RF to ensure that suitable guidelines are in place to protect human health and safety.

In addition, several sections of the proposed Code amendments require the demonstration of compliance to federal exposure standards or address issues relating to setbacks and separation distances as follows:

Section 330-303 E., "General requirements", "Building Permits Required", of the proposed Town Code amendments states that:

> "Unless otherwise stated, all wireless communication applications shall apply for and obtain a building permit prior to construction or installation and shall apply for and obtain a certificate of compliance upon completion of construction and/or installation. All applications for a building permit shall include certification that the structure and/or antenna complies with all applicable FCC and FAA regulations and all applicable state and/or local building codes."

Section 330-303 I. (2), "General requirements", "NIER [Non-Ionizing Electromagnetic Radiation] Warning Signs", of the proposed Code amendments states that:

> "All wireless telecommunications facilities shall comply with all federal guidelines regarding fencing and NIER warning signs."

Sections 330-312 A. (3) (b), 330-312 B. (3) (a), and 330-314 B. of the proposed Code amendments address requirements for demonstrating that NIER levels do not exceed federally determined standards of safety. In fact, an application can be denied if the standards are not met. In addition, the proposed Code amendments include setback requirements (§ 330-309) and use and designated area separation standards (§ 330-309 I and Tables 1 and 2).

Comment JP-2:

Alternatives to wireless communications such as fiber optics and coaxial cables and preservation of landline phone networks should be considered.

Response JP-2:

The above options are currently available and will remain available. However, they can not be used for certain technologies such as cell phones which require wireless systems. As previously indicated, the Federal Telecommunications Act of 1996 forbids local authorities from rejecting applications for building permits for wireless facilities based on health concerns if the facilities meet the FCC's regulations concerning radio frequency (RF) emissions.

APPENDICES

Written Comments
Amended DGEIS

APPENDIX A

Suffolk County Department of Planning (SCDP)
Letter Dated February 4, 2008

(5)

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS ISLES, AICP
DIRECTOR OF PLANNING

February 4, 2008

Ms. Sundy A. Schermeyer, Town Clerk
Town of Southampton
116 Hampton Rd.
Southampton, NY 11968

Re: DGEIS on Wireless Communications; Local Reso. No. 2008-225
Replace Article XXVII "Wireless Communications Towers and Antennas; Local Reso. No. 2008-228

Dear Ms. Schermeyer:

Pursuant to Sections A 14-14 to 23 of the Suffolk County Administrative Code, the above referenced applications are not within the jurisdiction of the Suffolk County Planning Commission.

Very truly yours,

Thomas Isles, AICP
Director of Planning

Andrew P. Freleng, AICP
Chief Planner

APF:cc

APPENDIX B

Town of Southampton Planning Board (SPB)
Adopted Advisory Resolution Dated
February 21, 2008

ADOPTED RESOLUTION
Planning Board Meeting
February 21, 2008
Agenda Item No. 20

Town Board Referral
Wireless Communications Master Plan,
Draft Generic Environmental Impact Statement,
Repeal/Replace Article XXVII entitled
"Wireless Communication Towers and Antennas"

ACTION: Consider Town Board referral, submit comments and recommendations

WHEREAS, a referral from the Town Board consisting of the Wireless Communications Master Plan, Draft Generic EIS and local law that repeals and replaces Article XXVII was received by the Planning Board for review and recommendation, and

WHEREAS, the Planning Board has reviewed the documents and makes the following suggestions regarding the local law:

1. A definition for "Fall Zone" should be added to the Code.
2. The definition/restrictions for wireless installation within a flag pole should be further refined, and the height should be limited.
3. The "Stealth" definition appears to be broad, consider clarifying. Note that fake pine trees should not be permitted or considered as "stealth".
4. The "Viewshed" definition should add "Scenic Corridor" and include any references from the 1999 Comprehensive Plan Update.
5. §330-305 D. Tier One (1)(a)[4] references that there should not be a visual conflict. The Planning Board finds this vague and questions who will be the arbiter of this standard, as the applicant will only be required to obtain a building permit under this scenario. Since the limit for Tier One is installation of up to 5 antennas, these are assumed to not have a visual conflict. In light of this, the Planning Board recommends this standard be taken out.
6. §330-305 D. Tier Three (3)(b)[2] discussed the height of a new transmission support structure based on prevailing vegetation height. The Planning Board supports using the measurement of existing tree canopy height where vegetation exists. Where no vegetation exists in the surrounding area where a structure is proposed, the height of such structure should be limited to a maximum of 50 feet (or apply under a Special Exception review)

7. The Planning Board suggests that equipment shelters have motion detector lighting and that all lighting be consistent with Dark Skies initiatives.

; and

WHEREAS, the Planning Board has no Planning issues regarding the DGEIS and supports the Wireless Communications Master Plan document and its recommendations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby supports the Wireless Communication Plan initiative (Master Plan, DGEIS and Code revisions) with the input as suggested above.

Town of Southampton Planning Board
Dennis Finnerty, Chairman
Date: February 21, 2008

VOTE	
Moved by:	Jacqui Lofaro
Seconded by:	Blair McCaslin
Members:	In favor: 5 In opposition: 0
	Absent: Alma Hyman, Dennis Finnerty

Contact: Janice Scherer, Principal Planner at (631) 702-1809

To: Town Clerk

APPENDIX C

Central Pine Barrens Joint Planning and Policy Commission (PBC) Letter Dated February 19, 2008

CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION

Peter A. Scully
Chair

Phillip J. Cardinale
Member

Brian X. Foley
Member

Linda A. Kabot
Member

Steve A. Levy
Member

February 19, 2008

Sundy A. Schermeyer, Town Clerk
Town of Southampton
116 Hampton Road
Southampton, New York 11968

Re: Town of Southampton Wireless Communications Plan and Draft Generic Environmental Impact Statement (DGEIS) for the Wireless Communications Plan and Local Law Article XXVII: Wireless Communications Transmission Support Structures and Antennas

Dear Ms. Schermeyer:

The Central Pine Barrens Joint Planning and Policy Commission ("Commission") is in receipt of the referenced Town of Southampton Wireless Communications Plan Final Draft dated December 11, 2007 and DGEIS dated January 2008.

The Town of Southampton Wireless Communications Plan must conform to the provisions of the Town Zoning Code implementing the Central Pine Barrens Comprehensive Land Use Plan and Long Island Pine Barrens Protection Act (NYS ECL Article 57).

The Central Pine Barrens is divided into two areas: the Core Preservation Area ("Core") and the Compatible Growth Area ("CGA"). The Act requires the prohibition or redirection of development in the Core. All development in the CGA must conform to land use restrictions set forth in the Plan. The Act also authorizes the Commission to grant relief from the restrictions if certain criteria are met. The Commission will seek Lead Agency status for all development in the Core.

The Commission Staff prepared the comments contained herein upon review of the referenced documents. The DGEIS and Wireless Plan should be revised where applicable to address the items of concern.

Comments on the DGEIS

1. Executive Summary, p. ES-6. The Wireless Plan should indicate that it is consistent with all adopted land use plans, including the Central Pine Barrens Land Use Plan and ECL Article 57 (Pine Barrens Act) through the Town's implementing regulations.

2. Executive Summary, p. ES-6. "The Plan and zoning amendments must be forwarded to the Suffolk County Planning Commission for review." Add that the Plan and zoning amendments should also be forwarded to the Commission (as noted on p. 1-15).
3. Section 1.2, p. 1-3. Add the underlined to the sentence, "…recognize that the long-term and cumulative impact of wireless antennas…"

P.O. Box 587
3525 Sunrise Highway
2nd Floor
Great River, NY
11739-0587

Phone (631) 224-2604
Fax (631) 224-7653
www.pb.state.ny.us

4. Section 1.5.2, p. 1-8. "…the holding of a joint public hearing(s) for the DGEIS (optional) and proposed draft Plan and legislative amendments." Note the date of the public hearing.

5. Section 1.6.1, p. 1-11. Add bullet to list…Require the Certificate of Occupancy to indicate the maximum buildout of facilities. Note that no new infrastructure is to be permitted once buildout is achieved. The Building Division should provide the Planning Division with a summary list/update on annual basis to determine whether existing facilities have reached maximum buildout and coordinate data with the Town Board and Planning Board.

6. Section 1.6.2, p. 1-12. Provide all data to demonstrate no overlapping would occur, where gaps in services exist, and Master Plan buildout of facilities based on company-based market studies/strategies developed by the wireless provider to avoid future piecemeal applications.

7. Section 1.6.2, p. 1-12. Add the underlined to the sentence, "Propose an alternative and demonstrate there is no feasible alternative…"

8. Section 1.7, p. 1-15. Add the underlined to the sentence, "…generally speaking, the Wireless Plan and Local Law are intended to minimize the impacts of facility development and minimize redundancy in proliferation of facilities."

9. Section 1.8, p. 1-15. Due to proximity and possibly siting near boundaries of other municipalities, include other municipalities that may be impacted by proposed facilities, including but not limited to, Village of Southampton, Village of Westhampton Beach, Village of Sag Harbor, Village of Quogue, Town of East Hampton, Town of Brookhaven, and Town of Riverhead.

10. Section 2.0.2, p. 2-2. As stated above, include other municipalities such as Towns and incorporated Villages adjoining the boundaries of the Town of Southampton.

11. Section 2.1.2, p. 2-5. The existing grade/slope of a project site will be evaluated to determine potential adverse environmental impacts from tower height due to existing topography.

12. Section 2.2.3, p. 2-9. Determine whether the silo reference is applicable to the Town of Southampton and should be referenced in this document.

13. Section 2.6.2, p. 2-20. Include buildout note on the Certificate of Occupancy.

14. Section 2.10.3, p. 2-33. "Construction or installation of a limited number of facilities in the Central Pine Barrens…" The phrase "*limited number*" is too general, vague, and undefined. This section should be expanded to more clearly explain the number of facilities envisioned and that may be considered in the Central Pine Barrens. The number of facilities could be, at a minimum, the number currently foreseen where gaps in service exist. If a number is dependent on the design features of a facility (height, type, etc.), then at a minimum provide a map and description of the areas of existing service gaps to relate that information to the locations of potential new sites. Once a certain threshold of approved projects is reached, an update and evaluation of the status of approved and constructed facilities and whether or not additional facilities are still needed should be prepared (e.g., on an annual basis) by the Town and coordinated with Involved Agencies.

Indicate that the Core Preservation Area of the Central Pine Barrens will be avoided.

Include a reference that coordination with the Commission will occur for projects in the Central Pine Barrens area.

15. Section 2.13.2, p. 2-36. *Anticipated Impacts on Public Health and Safety*. Could the preparer provide reference to or citations of data from NYSDOH, EPA, etc. on this subject? Consider "Potential Impacts" rather than "Anticipated Impacts."

Comments on the Wireless Communications Plan

1. p. 21. The Wireless Plan should include a section and discussion on the Potential Adverse Impacts on Natural Resources. The section should include, but not be limited to, an examination and assessment of peer-reviewed literature on potential adverse impacts from wireless facilities on avian species and other wildlife (e.g., honeybee populations).

2. p. 27. *Table of Propagation Study Results: Carrier Weak Areas and Potential Solutions*. Note in Hamlet Area column if site is in the Central Pine Barrens Core Preservation Area or Compatible Growth Area, where applicable.

3. p. 39. Policy 4 indicates that facilities should be sited in public rights-of-way or other quasi-public locations. This section should explicitly state that facilities should remain outside of the boundaries of the Core Preservation Area of the Central Pine Barrens.

4. Attachment V. Wireless Communications Facility Hierarchy of Siting Preferences. This section should note avoidance of the Core Preservation Area of the Central Pine Barrens to the maximum extent practicable.

5. p. VIII-2, Table I, "Recommendations to be implemented through the ordinance update." In the "Involved Entities" section, add the Central Pine Barrens Joint Planning and Policy Commission.

6. p. VIII-3, Table I, "Recommendations to be implemented through the ordinance update." Add "Coordination with Involved Agencies."

7. p. VIII-6, Table II, "*Recommendations to be implemented through the facility permitting and permit renewal processes*." In the "Involved Entities" section, add the Central Pine Barrens Joint Planning And Policy Commission.

8. p. VIII-8, Table III, "*Recommendations to be implemented through facility planning and monitoring*." In Policy Numbers 6.1 and 6.2, under the column Involved Entities, add Central Pine Barrens Joint Planning And Policy Commission.

Other General Recommendations

1. The New York State Environmental Conservation Law (E.C.L) Article 57, Section 57-0123-3(a) states:

"Subsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan"...

2. Please notify the Commission of all proposed wireless facilities to be located within the boundaries of the Central Pine Barrens area. Notification and coordination will assist in keeping the Commission's records of facilities current. The Commission will determine the extent of its jurisdiction over all plans for facilities and will conduct the review for consistency with the goals and objectives of ECL Article 57 and the Central Pine Barrens Comprehensive Land Use Plan. The Commission will seek Lead Agency status for any development proposed in the Core Preservation Area pursuant to the State Environmental Quality Review Act, as required by Section 4.5.1.1 of the Land Use Plan.

3. While the DGEIS recognizes that uncoordinated proliferation of antenna sites and piecemeal wireless facilities are not desirable, it should more clearly provide a framework for comprehensive regional wireless facility planning and provisions for the Commission to participate in the development of such a plan for the Central Pine Barrens area.

4. The DGEIS and Plan should contain an inventory of all potential co-location sites in the Central Pine Barrens to determine existing facilities that are currently at maximum capacity (i.e., not future co-location feasibility) and the full buildout/maximum capacity of existing facilities that could support additional infrastructure.

Thank you for providing a public comment period on the DGEIS and the Wireless Plan. If you have any questions, please feel free to contact me at (631) 218-1192.

Sincerely,

Julie Hargrave
Environmental Planner

cc. Raymond Corwin, Executive Director, CPBJPPC
Judy Jakobsen, Principal Environmental Analyst, CPBJPPC
John Milazzo, Esq., Counsel to the Commission

APPENDIX D

Julie Penny, Co-Chair, South Fork Groundwater Task Force (JP) Email Correspondence Dated February 29, 2008

From: Julie Penny
Sent: Friday, February 29, 2008 9:39 PM
To: Nancy Graboski; Linda Kabot
Cc: Peter Boody; Joe Shaw; Jacqui Lofaro; Editor EH Star; editor
Subject: IN OPPOSITION TO WIRELESS MASTER PLAN

TO: Town Board: Supervisor Linda Kabot & Councilpersons Nancy Graoski, Chris Nuzzi, Anna Throne-Holst, Dan Russo (I only have Linda &

Nancy's town e-mail, so please pass this on to Chris, Anna and Dan--thanks)

FROM: Julie Penny

DATE: February 29, 2008

RE: IN OPPOSITION TO WIRELESS MASTER PLAN - (FOR THE RECORD)

MESSAGE: Be Careful What You Wish For.
Several years ago I submitted several health studies to the Planning Board for the record when they were considering adding to the communications tower on Millstone Rd. and those studies would be in their file (I forget the name of the application.)

Europe leads the way in findings regarding the adverse health effects related to Electro Magnetic Frequency (EMF) exposure in the extremely-low frequency (ELF) and radiofrequency (RF) band of the electromagnetic spectrum (1-300GHz). Energies of these frequencies, called non-ionizing, are used in electrical transmission, distribution and electrical use by the public, by radio and tv broadcasts, cellular transmissions, wireless internet access and more. By contrast, our own media ignores these studies as helpmates to the Telecom Industries.

A few weeks ago, Germany banned WiFi. Areas of Austria, Italy, UK are limiting WiFi, and, are warning that children not use cell phones and will not allow towers anywhere near schools. No such warnings here.

How can we make wise decisions in such an information vacuum?

Scientific studies are showing convincing evidence of brain cancer, changes in DNA & metabolism, from wireless & towers. They are now also suspected as one of the several culprits in autism.

Below are several articles that I just cut and pasted. Some of which have links to other studies (especially the last article).

You must evalute the health effects against the benefits.

Look Wifi in the Eye

My View: Look Wifi in the Eye

Posted on: Tuesday, 16 January 2007, 09:01 CST

By ARTHUR FIRSTENBERG

While opposing sides have been vocally warring over one cell tower in Chimay and one in Madrid, the city of Santa Fe is quietly preparing to authorize hundreds of new towers and antennas for a citywide wireless Internet (WiFi) network. Amazingly, in Santa Fe, there has been virtually no publicity and no significant discussion of risks versus benefits.

According to Thomas Williams, director of the city's Information Technology and Telecommunications Dept., both the Siemens Corporation and Lucent Technologies have approached his department with plans for implementing ubiquitous WiFi here. He expects to issue a Request for Proposals shortly.

As was the case with pesticides 45 years ago, citizens are often ahead of the government in recognizing environmental hazards. In the United States the EMR Network, the Cellular Phone Task Force and the Council on Wireless Technology Impacts are leading the way on this emerging issue.

In some other countries, the public outcry is much louder and bans are already in place. For example, Lakehead University, a Canadian university known for its medical school and its Advanced Technology Centre, has banned WiFi for health reasons. The Toronto Board of Health is studying the issue before deciding whether to approve a citywide network. In Salzburg, Austria the Public Health Department has advised schools and kindergartens not to use wireless computers or cordless phones. In Frankfurt, Germany the Schools Department prohibits the use of wireless computers in schools. The Vienna Medical Association has issued a warning: "Children under 16 years of age should not use cell phones Only use the Internet with a cable connection." The Austrian Medical Association has issued another: "Electromagnetic fields and radiation is a matter of dose - - and it accumulates over the years, as present studies show us. Therefore children should categorically not use mobile phones."

The London Times reported on November 20, 2006, that some schools in England and Wales have dismantled wireless networks because of their reported effects on children's and teachers' health. And on December 11, 2006, the Times, in its Health section, published a long investigative report titled "Wi-Fi: Should we be worried?"

Why aren't such discussions taking place in The New York Times, or The New Mexican? It's not because scientists aren't reporting a problem. Many eminent scientists have joined a worldwide chorus sounding a growing alarm. And it's not because Americans aren't trying to make themselves heard on the issue. In my files are thousands of reports from individuals made dizzy, nauseous and homeless by wireless technology. They report all the classic symptoms of microwave sickness: Memory loss, inability to concentrate, headaches, insomnia, irritability, anxiety, depression, muscle and joint pains, heart palpitations, unstable blood pressure, eye pains, worsening allergies, ringing in the ears, nosebleeds, and skin rashes. These reports are no different from those shared by my colleagues in Canada, England, Austria, Germany, Japan and Australia.

We have abundant evidence that the blanket of radiation in which wireless technology envelops us is responsible for the spectacular increase in many diseases in the last decade.

It is time for some solid investigative reporting on this issue in this country. And it is time for The City Different to live up to its name and, instead of rolling over for ubiquitous WiFi like New York, San Francisco, Rio Rancho and Sandoval County, to assemble a panel of experts on the biological effects of non-ionizing radiation to examine the science, make recommendations to the City Council and testify at a public hearing. Santa Fe, if it does this, will find plenty of reason to say no to this plan.

Arthur Firstenberg is the director of the Cellular Phone Task Force and a resident of Santa Fe. He can be contacted at 505-471- 0129.

Source: The Santa Fe New Mexican

http://prd34.blogspot.com/2007/07/my-view-look-wifi-in-eye_20.html

http://omega.twoday.net/search?q=Firstenberg
http://omega.twoday.net/search?q=Wi-Fi
http://freepage.twoday.net/search?q=Wi-Fi
Starmail - 20. Jul, 10:25

Rebekah Azen wrote:

LIBRARY DIRECTOR RESIGNS BECAUSE OF WIFI

A Library Director at a college in Santa Fe, NM left her position due to wireless internet (WiFi) in the library. Rebekah Zablud Azen, MLIS, resigned from her position at Quimby Memorial Library, Southwestern College, on December 16th, 2006 after administrators refused to discuss the issue.

"I don't feel that I should have to jeopardize my health to secure or maintain employment, but allowing oneself to be irradiated is fast becoming a condition of employment for librarians. I just said no."

B. Blake Levitt, a medical journalist who has been researching the biological affects of nonionizing radiation since the late '70's, and author of: Electromagnetic Fields: A Consumer's Guide to the Issues and How to Protect Ourselves, and Cell Towers: Wireless Convenience? or Environmental Hazard? wrote, "Once considered safe environments/professions, librarians and teachers are now in high risk professions."

Azen is not the first librarian to express opposition or leave her position because of WiFi. In Santa Fe, four librarians recently signed a petition against WiFi in the public libraries, while several others objected to WiFi but were afraid to speak out. There is a librarian on the west coast that has been told not to discuss this issue by library administration and a report of two librarians who moved to rural towns and left the profession.

The proliferation of wireless technologies is a growing and serious public health hazard, says Azen. "There is no evidence proving safety and an abundance of evidence demonstrating biological harm to living systems. Anyone who cares to look into the vast body of research that has been conducted over the past 80 years will find that the weight of evidence points to harm. The only sensible response is precaution."

Current safety standards adopted by federal agencies like OSHA were developed by industry groups and are obsolete. EPA senior scientist and radiofrequency (RF) radiation expert, Norbert Hankin, wrote, "Both the NCRP (National Council on Radiation Protection) and ANSI/IEEE standards are thermally based and do not apply to chronic non-thermal exposure situations." In other words, if it doesn't "cook tissue," it is assumed to be safe. Research indicates however that low-power exposure (WiFi is "low power') has been shown to have numerous biological effects which can lead to serious health consequences, including neurological, cardiological and hormonal disorders, breakdown of the blood-brain barrier, DNA damage, cancers, diabetes and asthma. Children, to whom public libraries cater, have brains and nervous systems that are still developing; they are particularly vulnerable.

Among the many scientists, organizations, government agencies and medical societies issuing bans or precautions, Lakehead University, in Canada, prohibits WiFi on its campus; the Public Health Department in Salzburg, Austria advises against WiFi in schools; the Schools Department in Frankfurt, Germany prohibits WiFi in schools; and the Austrian Medical Association warns against wireless technologies, including WiFi. The Benevento Resolution is the most recent and comprehensive pronouncement by 31 scientists internationally.

The Benevento Resolution
http://www.icems.eu/docs/Benevento_press_release.pdf
states, "Based on our review of the science, biological effects can occur from exposures to both Extremely Low Frequency Electromagnetic Fields (ELF EMF) and Radiofrequency fields (RF EMF). More evidence has accumulated that there are adverse health effects from occupational and public exposure to electric, magnetic and electromagnetic fields, or EMF at current exposure levels." The resolution also specifically warns against exposure to WiFi systems.

Azen is also opposed to WiFi in libraries because it creates barriers to access for people with disabilities. People with certain types of heart disease, epilepsy, and others with electromagnetic sensitivity react with pain, confusion, and neurological or cardiac symptoms and are effectively denied access to libraries with WiFi. In California alone, a 1998 survey by the California Dept. of Health Services found that 120,000 Californians were unable to work due to electromagnetic radiation. Today, this number is undoubtedly much higher due to the rapid growth of wireless technologies.

Librarians have always upheld the principle that access to libraries and information is inviolate, says Azen. "Today, this important library principle is eroding due the unquestioned acceptance of WiFi. Libraries should retain their autonomy as "wireless-free" zones. Instead of rushing to join the herd to go wireless, libraries should be building collections on this topic and educating the populace about the hazards associated with this technology."

Azen says there are other issues as well with WiFi in libraries: libraries are relinquishing their unique role by morphing into internet cafés, the provision of special services to those who have the money to afford laptops is re-igniting the digital divide, WiFi service imposes a financial and personnel drain on libraries already struggling to build collections and maintain traditional library services, and unsecured networks compromise a library's commitment to protect user privacy and confidentiality. "Social security numbers, financial records, and yes, library records, are all vulnerable in unsecured wireless networks."

Azen says that librarians need to assess technological trends wisely and ensure that the adoption of new technologies does not adversely impact public health, restrict access, undermine the treasured principles upon which we stand, or

erode libraries. She says there are simple solutions to providing more computer access, such as installing wired hubs for patrons.

WiFi is the proverbial elephant in the room. We must, as a profession, begin to open up a dialog on this critical issue that is affecting libraries and librarians everywhere, says Azen.
Council on Wireless Technology Impacts
Citizens and professionals concerned about responsible use of electromagnetic radiation
936-B Seventh Street, #206, Novato, California 94945
http://www.energyfields.org/

For Immediate Release
January 17, 2007
Contact: Rebekah Azen
505-424-9475
rebekah@cybermesa.com

- **London District Bans WiFi: "We Are Frying Childrens' Brains" | Gadget ...**

Wireless networking is to be banned from a London school district after a **...** there's been extensive testing in **germany** done by very reputable labs and the **...**
blog.wired.com/gadgets/2007/07/london-schools-.html - 63k - Cached

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NOT ONE MORE - WRAN Calls for Moratorium on Cellular Antennas and WiFi in Santa Cruz County
by Angela Flynn
Saturday Jan 5th, 2008 6:06 PM
Please call, write and/or attend the Santa Cruz County Planning Commission Hearing on Wednesday, January 9, 2008, at 7:00pm.

701 Ocean Street, 5th Floor, Santa Cruz

Cell tower installation is planned by Metro PCS near Shoreline Middle School, Simpkins Family Swim Center and Schwann Lake Park on Ledyard Co. property, 1005 17th Ave, Santa Cruz. – There is an existing cell tower at Brommer & 17th.

Wireless Radiation Alert Network (WRAN)
Santa Cruz, California, U.S.A.

PRESS RELEASE

FOR IMMEDIATE RELEASE
Contact: Angela Flynn 831-469-4399
& Marilyn Garret 831-688-4603

Not One More
WRAN Calls for Moratorium on Cellular Antennas and WiFi in Santa Cruz County

The Wireless Radiation Alert Network (WRAN) educates our community on the adverse health effects related to Electro Magnetic Frequency (EMF) exposure in the extremely-low frequency (ELF) and radiofrequency (RF) band of the electromagnetic spectrum (1-300GHz). Energies of these frequencies, called non-ionizing, are used in electrical transmission, distribution and electrical use by the public, by radio and tv broadcasts, cellular transmissions, wireless internet access and more.

There are more than 210,000 cellular sites and about 20,000 telecom central offices in the U.S., according to industry statistics. There are 37 cellular sites in the City of Santa Cruz (as of 7/07) and 118 in the County of Santa Cruz (as of 6/07). These sites have multiple antennas. There is not a database of how many antennas are at each site.

Some actions we advocate for:

Promote alternatives to wireless communication systems, e.g., use of fiber optics and coaxial cables and to preserve existing landline phone networks.

Enact a 1,500' setback on the siting of cellular antennas from homes, schools and businesses. Require shielding from the electromagnetic radiation emitted from cellular towers for homes, schools and businesses.

Ban wireless internet on all public property.

Advise people to limit wireless calls and use a landline for long conversations.

Limit cell phone and cordless phone use by children and teenagers.

Design cellular phones to radiate away from the head and require hand free kits with all cellular and cordless phones.

Immediate Action Needed:

Please call, write and/or attend the Santa Cruz County Planning Commission Hearing on Wednesday, January 9, 2008, at 7:00pm.

701 Ocean Street, 5th Floor, Santa Cruz

Cell tower installation is planned by Metro PCS near Shoreline Middle School, Simpkins Family Swim Center and Schwann Lake Park on Ledyard Co. property, 1005 17th Ave, Santa Cruz. – There is an existing cell tower at Brommer & 17th.

Planning Department and Commission Clerk: Lani Freeman, 454-3132, pln412 [at] co.santa-cruz.ca.us
Project Planner: Cathy Graves, 454-3141, pln810 [at] co.santa-cruz.ca.us
Address comments to the Planning Commission at http://www.sccoplanning.com

* Owner: Ledyard Company (462-4400)
*Applicant: Jennifer Estes, head of Peacock Associates, who represents Metro PCS (510.420.5701)
*Applicant: Evan Shepherd Reiff of Peacock Associates, who represents Metro PCS, (345-2245)
* SC Board of Supervisors (454-2200), jan.beautz [at] co.santa-cruz.ca.us , neal.coonerty [at] co.santa-cruz.ca.us, tony.campos [at] co.santa-cruz.ca.us, mark.stone [at] co.santa-cruz.ca.us, ellen.pirie [at] co.santa-cruz.ca.us

Item 11. 06-0701; APN: 026-311-65 [This is a] proposal to construct a new wireless communications facility…. [It] includes… three antennas within a 50-foot tall "flagpole" monopole with power and telco services to the equipment, and a GPS antenna. [The proposal] requires…a waiver of the requirement that the tower be set back 300-feet from residentially zoned parcels...

Wireless emissions affect everyone. There are no people in our community who “should not” testify on a particular site. i.e. those who do not live or work in the immediate area. The overall health of our community must be protected and it is our public officials who have the responsibility of placing our health over profits and convenience.

Santa Cruz County, CA, U.S.A. Zoning regulation 13.10.664 requires a post-construction NIER (non-ionizing electromagnetic radiation) measurement and report within 90 days of commencement of facility operation. Failure to comply with this requirement may result in the initiation of permit revocation proceedings by the County, and/or shall be grounds for review of the use permit or other entitlement and other remedy provisions.

As of December 4, 2007, approximately 80% of the required post-construction RF monitoring reports have NOT been done. Planning Department had contacted cellular service providers, informing them that they had until November 15th, 2007 to submit the post-construction RF emission monitoring reports for all their WCFs in the unincorporated area approved since June 2001, or be subject to possible permit enforcement actions. At the December 4th Board of Supervisors meeting the Planning Department reported that the only company doing the monitoring, Hammet & Edison has a back log and may complete the testing in a couple of months. The Planning Department said they may or may

not take action to enforce the county ordinance.

The Telecommunications Act of 1996 violates the 1st, 5th and 10th amendments.

The 1st amendment was violated in that wireless companies argue that people cannot talk about health effects and that local governments may not consider health effects when siting cell phone tower antennas. The wireless companies did try to get legislation preventing people from discussing health effects at hearings, but they were not successful. They still continue to argue that health effects cannot be mentioned.

The harm caused by wireless emissions is a matter of proven science, which indicates a wide variety of harm to many animal and plant species, including to humans. Peer-reviewed studies submitted onto the public record of this case may not legally be disregarded, as they fulfill the Supreme Court criteria for admissibility under the Daubert Rule. As these studies show harm, there is no justification for any further installation of cell phone infrastructural transmitters in Santa Cruz. Moreover, the industry has not proven "need" because it cannot. Therefore, under the Telecommunications Act itself, lack of proven need requires the application be denied.

There is an overwhelming amount of studies illustrating the ill health effects from emr. In particular the wavelength from cell phone tower antennas is closer to microwave oven emissions than it is to radio or tv emissions on the electromagnetic spectrum. These emissions are pulsed which seems to add to the deleterious effects.

The BioInitiative Report is a review of 2000 studies of bioeffects and adverse health effects of non-ionizing radiation. The conclusion is that public exposure guidelines for emissions from cellular antennas, wifi and other mobile /wireless devises are set too high to protect public health.

The Report offers evidence that a very large range of illnesses and other adverse health effects are linked to mobile phone technology. (http://www.bioinitiative.org)

Any scientist who declares that there exists no evidence of non-thermal effects of microwave radiation at intensities below present safety norms is unaware of important research in the field.

The FCC has set a limit for thermal effects for electromagnetic radiation. They deferred the setting of biological non-thermal limits to the nations health agencies. At the same time they cut the funding of research into these health effects to zero.

Norbert Hankin, of the Radiation Protection Division of the EPA says:

"The FCCs current exposure guidelines…are thermally based, and do not apply to chronic, non-thermal exposure situations… Therefore, the generalization that the guidelines protect human beings from harm by any or all mechanisms is not justified."

In 1990, the Environmental Protection Agency (EPA) conducted a comprehensive review of available EMF studies and published a report recommendation that power line EMRs be classified as a Class B carcinogen -- - a "probable human carcinogen and joined the ranks of formaldehyde, DDT, dioxins and PCBs. The White house and the Air Force declared that the report should not be published on grounds of national security and that it would alarm the public. The report was put on hold until the administration of the EPA changed the conclusions to say that there was no proven effect and the EPA has never officially released the report in its final form.

Dr. Bruce Lipton, Ph.D., in the "The Biology of Belief", explains that electromagnetic radiation causes the electrons to flip in our cells proteins. This interferes with our entire biological processes as the receptors in the cell's membranes are not able to function properly. He says:

"… proteins are the most important single component for living organisms…The final shape…of a protein molecule reflects a balanced state among its electromagnetic charges. However, if the protein's positive and negative charges are altered the protein backbone will dynamically twist and adjust itself to accommodate the new distribution of charges. The distribution of electromagnetic charge within a protein can be selectively altered by a number of processes including…interference from electromagnetic fields such as those emanating from cell phones. [Tsong 1989]"

Dr. Henry Lai of the University of Washington has shown that the effects appear to be cumulative and can affect DNA. Leukemia, cancer, sleeplessness and depression are just a few of the effects. Dr. Lai also points out that current US guidelines for electromagnetic radiation exposure are not up-to-date and are based on research data only up to 1985. Dr. Lai has said he would not live next to a cell tower.

And, Dr. Andrew Weil, MD., says that "Electromagnetic pollution may be the most significant form of pollution human activity has produced in this century!"

Many people on this planet, est. 2 – 3% with extreme and 30% with some symptoms, have Electro-Hyper-Sensitivity (EHS). This makes them extremely sensitive to microwave frequency radiation.

Recent studies confirm that cell and cordless phone microwave can:

Cause headaches and induce extreme fatigue; Cause memory loss and

mental confusion; Precipitate cataracts, retina damage and eye cancer; Create burning sensation and rash on the skin; Damage nerves in the scalp; Induce ringing in the ears, impair sense of smell; Create joint pain, muscle spasms and tremors; Cause digestive problems and raise bad cholesterol levels; Alter the brain's electrical activity during sleep; Open the blood-brain barrier to viruses and toxins; Cause blood cells to leak hemoglobin; Reduce the number and efficiency of white blood cells; Stimulate asthma by producing histamine in mast cells; and, Stress the endocrine system, especially pancreas, thyroid, ovaries, and testes.

This radiation is beaming at us 24 hours a day, 7 days a week. This is particularly dangerous for children and for people while sleeping, as children are more susceptible to electromagnetic radiation and the body needs to be able to repair itself while asleep.

The 5th Amendment was violated in that some wireless facilities result in a taking of property rights. These companies are sending their emissions into the homes, schools and businesses of people who do not want them. The antenna owners are not providing shielding from the emissions as they should be required to do.

As there is no known safe level of exposure for the non-thermal effects to radio frequency radiation all unwanted exposure is a violation of the UN Declaration of Human Rights Article 3 - the right to bodily security.

The 10th amendment was violated because the federal government does not have jurisdiction over local governments on such matters. The rights granted to the wireless companies by the Telecommunications Act of 1996 were not granted to it by the constitution and the local governments did not give up those rights.

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If you would like more information about this topic or to schedule an interview with Angela Flynn please call 831-469-4399 or email angelaflynn [at] skyhighway.com. Contact Marilyn Garrett at 831-688-4603

Here are some recent articles and websites regarding the issue of wireless emissions:

1. The International Commission for Electromagnetic Safety (ICEMS) held an international conference entitled “The Precautionary EMF Approach: Rationale, Legislation and Implementation”, hosted by the City of Benevento, Italy, on February 22, 23 & 24, 2006
http://www.icems.eu/index.htm

2. The Freiburger Appeal
http://www.emrnetwork.org/news/IGUMED_english.pdf

3. Thailand and Vietnam require shielding from emr.
http://www.radiationresearch.org/newsletter170606.htm

4. Letter from the EPA (7/16/02) stating that the FCCs guidelines are not adequate.
http://www.emrnetwork.org/position/noi_response/noi_epa_response.pdf

5. Dr. Andrew Weil, MD:
"Electromagnetic pollution (EMF) may be the most significant form of pollution human activity has produced in this century!"
http://www.drweil.com/drw/u/id/QAA26193

6. French Health Minister Warns Against Excessive Cell Phone Use
Posted Jan 4th 2008 10:29AM by Tom Samiljan
http://www.switched.com/2008/01/04/french-health-minister-warns-against-excessive-cell-phone-use/?ncid=NWS00010000000001

7. WiFi in public libraries in Paris : Moratorium
http://www.next-up.org/pdf/France2WiFiInPu...ium30112007.pdf

Here is the link to the article in Le Monde:
http://www.lemonde.fr/web/article/0,1-0@2-...6-991086,0.html

8. Lakehead University Bans WiFi on Campus
http://policies.lakeheadu.ca/policy.php?pid=178

9. As little as 10 minutes on a cell phone can trigger changes in brain cells linked to cell division and cancer, suggests a new study conducted by researchers from the Weizmann Institute of Science in Israel and published in the Biochemical Journal.
http://www.NewsTarget.com/022429.html

10. ICMR study confirms health risks from mobile phones
http://www.indianexpress.com/story/243721.html

11. Israeli study says regular mobile use increases tumour risk
http://www.breitbart.com/article.php?id=07...;show_article=1

12. Israeli Arabs, Police Clash Over Antenna
http://ap.google.com/article/ALeqM5jBHZInV...H6DNEQD8SJKUBO0

13. Laboratory studies suggest that electric and magnetic field exposure may affect heart rate and heart rate variability.
http://aje.oxfordjournals.org/cgi/content/...act/149/2/135-a

14. Central News Agency TaiwanNews Tuesday, Nov 06, 2007
NCC confident in achieving goal of dismantling 1,500 base stations
http://www.next-up.org/pdf/TaiwanInfoTaiwa...questWHOvUk.pdf

15. Link Between Long-Term Cell Phone Use and Brain Tumors
http://www.cancerpage.com/news/article.asp?id=11389

16. The Brain Tumor Society reports:
http://www.tbts.org/itemDetail.asp?categor...mp;itemID=16535

Brain tumors are the leading cause of solid tumor cancer death in children under the age of 20, now surpassing acute lymphoblastic leukemia (ALL). They are the second leading cause of cancer death in male adults ages 20-29 and the fifth leading cause of cancer death in female adults ages 20-39.

17. Archive back to 2003, with science reports and news reports from all over the world. It's invaluable for those who want to understand microwave sickness that now afflicts millions of us:
http://www.buergerwelle.com/english_start.html

18. Web site which has developed quite a few links related to the legal aspects of radiating the population.
http://www.emrnetwork.org/

19. The Urban Decline of the House Sparrow: A Possible Link to Electromagnetic Radiation.
http://www.livingplanet.be/Balmori_and_Hallberg_EBM_2007.pdf

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Listed below are the 10 latest comments posted about this article.
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TITLE	AUTHOR	DATE
World Health Organization advice	a concerned neighbor	Saturday Jan 5th, 2008 6:49 PM

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RECENT NEWS

MAJOR FINDINGS

Unsure of Cell Phone Radiation Dangers?

View this article to learn how two Russian Journalists cooked an egg with their cell phon

Brain Tumor Link Seen in Research

Cell phone users beware! Over the past several years, research has revealed that there is an in of brain tumors in people who have used cell phones for at least ten years.

The Effect of Cell Phone Radiation on the Red Blood Cell

See how the red blood cells change as Seen under a dark field microscope when exposed to ce radiation

Research on Correlation Between Autism and Cell Phones

Today the incidence of autism in the United States is 1 in 150 children, according to published G a horrific increase from the end of the 1970s, when the ratio of autism in our society was 1 in 10 the cell phone, wireless and similar technologies were introduced into the environment that pro waves.

EMF Radiation and Your Eyes

There have been many recent studies done about the harmful effect of EMF and the human eye (electromagnetic frequency) is emitted from cell phones. The recent increased use of cell phone many concerns with the link between cell phone radiation and eye cancer being just one of ther

Cell phone use increases brain tumor risk by 240 percent

A study has found that extensive usage of the cell phone for at least an hour a day over the dur long period of time increases the risk of cell phone cancer, developing a brain tumor, by a mass percent.

Cell phones 'may trigger Alzheimer's'

BBC News Reports that study suggests that cell phones damage key brain cells and could trigg onset of Alzheimer's disease.

Cell phones "alter human DNA"

BBC News Reports Radio waves from cell phones do harm body cells and damage D

laboratory study has shown.

TO ORDER CELL PHONE RADIATION PROTECTION DEVICES click here

MORE BREAKING NEWS

- Brain Cancer and Cell Phone Debate Continues ... Studies have shown that high doses of RF energy can cause DNA damage, cardiac effects, disruption of cellular communication and metabolism, impairment of immune function, and changes in brainwave activity and sleep patterns.
- Cell phone cancer risk higher for children ... Will health warnings make you use your cell less? New research says that children's thinner skulls make them more vulnerable to tumours
- The hidden menace of cell phones and Cell Phone Radiation ... Using a cell phone for more than 10 years increases the risk of getting brain cancer, according to the most comprehensive study of the risks yet published.
- Report Claims Link Between Autism and Cell Phones: A new report is claiming to have found a link between the rise in autism in the USA, and the rise of the use of wireless technologies, specifically mobile phones.
- FDA to revisit cell phone cancer risk: The U.S. Food and Drug Administration said Thursday that it will review wireless-phone safety following a recently published study that raised concerns about a heightened risk of brain cancer……The researchers at the Swedish National Institute for Working Life compared data from 2,200 cancer patients and an equal number of healthy patients. Those who heavily used wireless phones had a 240 percent increased risk of a cancerous tumor on the side of the head where they used their phone, they reported.
- Health risks of cell phone radiation: More must be done to raise awareness of health risks from cell phone radiation, according to a Melton businessman
  who suffers from an allergy to electricity.

  Lost bees signal delicate web of existence: A German scientific report suggests disturbing news: that radiation from now ubiquitous cell phone towers could be harming honeybee

populations.

Science proves cell tower radiation can affect health: She told Charlottetown council that government is slow to take up a growing concern that radio waves do harm people and animals. Government has yet to accept any of the science concerning "non-thermal" affects from microwave radio energy

- Health Fears Lead British Schools to Dismantle Wi-Fi Networks: Fox News Reports that Parents and teachers are forcing some schools to dismantle wireless computer networks amid fears that they could damage children's health.
- UK schools pull the plug on WiFi for alleged health reasons: In the UK at a handful of schools in Chichester, Carmarthenshire, and Buckinghamshire, which have turned off their WiFi citing parental lobbying.
- Conspiracy of Silence Newsletter: The wireless industry ha set up a $6 billion legal fund to fight health-related lawsuits that are just now beginning to emerge
- Study: Cell phones confuse honeybee navigation Some experts claim cell phone radiation may be responsible for a drastic -- and so far unexplained -- decline in the number of honeybees.
- Cell phones source of radiation fears Conflicting opinions over possible health risks posed by radiation from cell phones have raised concerns among many users.
- Cell phone Radiation suit to proceed against cellphone makers The Supreme Court refused Monday to consider throwing out class-action lawsuits that accuse cellphone makers of failing to protect users from unsafe levels of radiation.
- How Dangerous is Your Cell Phone? Could our health be negatively affected by all the radio frequencies being bandied about by cell phones and cell phone towers, wireless pagers and Internet systems, and other uses of radio frequency and microwave radiation?
- Electromagnetic fields and public health. Base stations and wireless technologies. WHO Fact sheet N°304 May 2006 Mobile telephony is now commonplace around the world. This wireless technology relies upon an extensive network of fixed antennas, or base stations, relaying information with radiofrequency (RF) signals. Over 1.4 million base stations exist worldwide and the number is increasing significantly with the introduction of third

generation technology.

- EMF hazards continue to stir controversy In the rustic New England shoreline village of Guilford, Connecticut, homes go for $250,000 and up. But if you want a bargain, visit Meadow Street, where any one of nine solid homes, some abandoned by their owners, are going begging, despite price tags of less than $100,000. The reason? The houses have an unwanted neighbor: a Connecticut Light & Power Company (CL&P) substation.
- Supreme Court move to regulate cell phone radiation The Supreme Court has now issued a notice to the ministry of telecommunication on a petition detailing health hazards caused by electromagnetic radiation from cell-phone towers.
- NEW UPDATED SAR CELL PHONE LIST 01: Lookup your model cell phone to determine how much RF your cell phone emits: Cell Phone Specific Absorption Rate (SAR) is defined as the value that corresponds to the relative amount of RF energy absorbed in the head of a user of a wireless handset, and is usually expressed in watts per kilogram (W/kg) of the mass in that volume. (Please note: this page requires extra time to load the information)

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Rat Brain Study: Radiation from cell phones hurts rats' brains

Single 2-hour exposure to the microwaves emitted by some cell phones kills brain cells in rats, a group of Swedish researchers claims. If confirmed, the results would be the first to directly link cell-phone radiation to brain damage in any animal.

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CELL PHONE CANCER REPORTS

- Brain tumour alert causes evacuation of office building The top floors of a Melbourne office building were closed down and 100 people evacuated after a seventh worker in as many years was diagnosed with a brain tumour.

- Long cell phone use raises brain tumour risk-study The use of cell phones over a long period of time can raise the risk of brain tumours, according to a Swedish study, contradicting the conclusions of other researchers.
- Swedish Study Raises New Fears over Cell Phone Use The survey contradicts the findings of other researchers, including a study conducted by the Dutch Health Council, which found no evidence connecting radiation from cell phones to cancer, and a four-year British survey released in January, which came to the same conclusion.
- Eye Cancer. EMF Radiation and Your Eyes There have been many recent studies done about the harmful effect of EMF and the human eyes. EMF (electromagnetic frequency) is emitted from cell phones. The recent increased use of cell phone has caused many concerns with the link between cell phone radiation and eye cancer being just one of them.
- Brain cancer and Cell phone You Don't Deserve Brain Cancer. You Deserve The Facts. Research by University of Washington professor Dr. Henry Lai shows brain cells are clearly damaged by microwave levels far below the US government's "safety" guidelines. Dr. Lai notes that even tiny doses of radio frequency can cumulate over time and lead to harmful effects. He warns that public exposure to radiation from wireless transmitters "should be limited to minimal."
- Brain cancer and cell phone use Some of the common complaints of cell phone users are that they frequently get headaches and tingling of their ears and head
- Cell phone cancer on the rise
- Cell phone health risk Cell phone health risks range from warm ear to the most severe side effects of brain tumors or DNA damage

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Cell Phone-Tumor Link Found

(CBS News.com Report) A Swedish study suggests that people who use a cell phone for at least 10 years might increase their risk of developing a rare benign tumor along a nerve on the side of the head where they hold the phone.

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CELL PHONE RADIATION REPORTS

- How Cell Phone Radiation Works Cell phones emit signals via radio waves, which are comprised of radio frequency (RF) energy, a form of electromagnetic radiation
- T-Mobile Accused of Burying Health Report: According to an article in U.K.'s Sunday Times, T-Mobile is accused of diluting a scientific report it originally commissioned on the possible link between cell towers and phones and cancer.
- Conspiracy of Silence Newsletter ... The wireless industry ha set up a $6 billion legal fund to fight health-related lawsuits that are just now beginning to emerge
- What is cell phone radiation? Tampa Bay New Times
- Cell Phone Radiation Awareness In light of the recent cases of radiation illness (cell phone cancer), and the growing public awareness as a result, cell phone radiation protection devices have come under scrutiny
- Mobile phones: Not so useful. Memory loss, Parkinson's disease, impaired immunity, renal retardation and congenital defects are just some ill-effects caused by use of, now indispensable gizmo - mobile phone.
- Experts confirm effects of cell phone radiation. The radiation of wireless communication indeed has effects on the central nervous system, influences the functioning of the brain and causes damage to DNA. That is confirmed by 25 experts who studied the relevant scientific literature of 2000 to 2004.
- Understanding Cell Phone Radiation. Over the past decade, the

use of cell phones has grown exponentially. Indeed, recent estimates place the international use of mobile phones at well over 190 million people. As the use of cell phones becomes more commonplace, a growing number of researchers are beginning to explore the consequences of intense, long-term exposure to cell phone radiation.

- Cell phone radiation from base stations change brain currents and cause unwellness. (Medical Research News) The radiation of a cell phone base station at a distance of 80 meters causes significant changes of the electrical currents in the brains of testees (measured by electroencephalogram, EEG). All the testees said they felt unwell during the radiation, some of them seriously
- Cell Phone Radiation Slows Down Brain Speed. Controversy swirls around the subject of the health effects of cell phones. The radiofrequency electromagnetic (EM) radiation emitted by a cell phone is known to penetrate the skull, but does this lead to the development of cancer, especially malignant brain tumors which are on the rise? The new cell phone towers springing up everywhere greatly increase our daily dosage of radiation. Is this healthy for us?
- Skin Rash? Maybe It's Your Cell Phone. Researches Find Mobile Phones Can 'Excite' Antigens. If you have noticed an increase in skin rashes or allergic reactions to dust mites and pollen, your cell phone may be to blame. In what researchers called surprising results, a study indicates radiation emitted by mobile phones may increase allergic reactions.
- Cell phone Radiation in the United Kingdom. Governmental agencies denied that cell phones are dangerous, yet they purchased radiation protectors for government employees.
- Study: Mobile Phones Affect DNA. Radio frequency radiation from mobile phones can damage DNA in laboratory conditions, European researchers say in a recent study

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ELECTROMAGNETIC RADIATION REPORTS

- Scientist Worries WiFi May Harm Children: The British scientist who raised one of the early warnings about potential health hazards from cell phone radiation has a new worry -- wireless Internet, or WiFi.
- Health Fears Over Wireless Internet in Schools: As British schools race to provide wireless Internet access to every school classroom in Britain, teachers here are warning that the move could have a devastating effect on the health of the next generation's brain power.
- WiFi Said to be a Health Risk: WiFi has become commonplace almost everywhere, including in our schools. but now, William Stewart, the head of Britain's Health Protection Agency has concerns that wireless Internet access may pose a health risk, especially in children.

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CELL PHONES AND CHILDREN

- Cell Phones for Kids: What's the Risk? Tech News World
- France urges caution on children's use of cell phone "The French Agency for Environmental Health Safety (AFSSE) has made several recommendations for parents, manufacturers and operators of mobile phones."
- A Cellphone for Kids The marketing strategies targeted towards cell phone and child, and the rising sales figures have caused concern, given the fact that there are preliminary studies pointing to the adverse impact that cell phones might have on health.
- Cell Phones May Pose a Risk to Children. Children may be more vulnerable than adults to the potential health risks of using mobile phones, according to a U.K. study released this week, which urged that nonessential phone use by children be discouraged.

OTHER MEDICAL & HEALTH REPORTS

- Cell Phone Emissions Excite The Brain Cortex Electromagnetic fields from cell phones excite the brain cortex adjacent to it, with potential implications for individuals with epilepsy, or other neurological conditions. This finding is published in Annals of Neurology, a journal by John Wiley & Sons. The article is also available online via Wiley Interscience.
- FDA Calls For Health Tests: As questions linger about the possible health effects of wireless phone usage, a new corporate-funded study is coming out that finds no significant link between radio-frequency wave exposure and brain cancer.
- More Tests Needed On Cell Phone Health Effects: But the report, titled Telecommunications: Research and Regulatory Efforts on Cell Phone Health Issues, includes a caveat: There is not enough information to prove that cell-phone use poses no health risks.

  Cell phones should be tagged "harmful to health" Describing experiments, Bauer said that two Russian journalists cooked an egg in 65 minutes with the cell phones. "It only takes two minutes of speaking on a cellular phone for the radiation to cross the protective Blood Brain Barrier," he explained.
- How cell phone signals damage human health One effect in the biological cell is to harden the cell membrane, ultimately leading to the death of the cell, or "apoptosis." This is followed by disruption to intercellular communication, and the deterioration of tissue and organ functions.
- Cell phone radiation kills sperm A study conducted by Ohio's Cleveland Clinic found that the sperm counts of heavy cell phone users -- defined as four hours a day or more -- were 40 percent lower than those who used cell phones infrequently or not at all.
- Do cell phones pose a health risk? Radiation that comes from cell phones is more permeating and more dangerous than smoking or industrial pollution, but most people are in denial because radiation is invisible. What is the cell phone cancer risk?
- Testing cell phone radiation on human skin Finland's radiation watchdog is to study the effects of cell phones on human proteins by direct tests on people's skin, to see if handset

transmissions affect their health.

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OTHER INTERESTING READING

- Cell phone dangers Cut down on the dangerous cell phone radiation that can cause irreversible damage (harmful effects of emf) to the brain and other parts of the body
- 2-Year Study Finds Possible Cell Phone Danger To Brain. Radiation from mobile phones causes changes in the brain which could pose risks to health, an authoritative two-year study has concluded.
- Healthy Sound Advice on Cell Phones Potential dangers of cell phone use, particularly for children. This is the result of a yearlong study by the Independent Expert Group on Mobile Phones headed by Sir William Stewart, Chief Scientific Advisor for Parliament.
- Brain interactions with RF/microwave fields generated by mobile phones Our human generation is the first to voluntarily expose itself to artificial RF/microwave fields that cover a wide spectrum of frequencies and intensities
- Phone makers ask for more research into DNA damage. USA Today
- Cell Phones Get Your Blood Pressure Up REUTERS reports
- Patents Prove Cell Phone Dangers? Radio frequency irradiation may stimulate extra growth among supportive cells in the nerve system, which in the worst case it has been suggested could lead to a development of a malignant tumour," the Nokia patent states
- A Report on Electromagnetic Pollution We live in an electrical environment.
- Cell Phones: The Risk Is Real Wired News Report
- Mobile Phones and Health Report

Resources and games

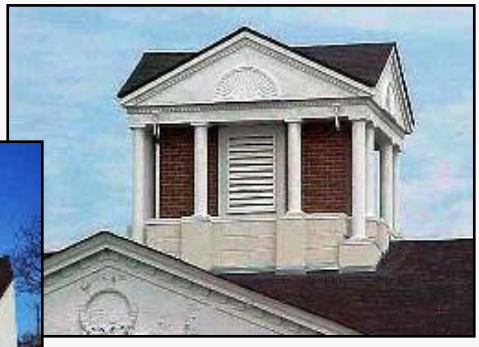
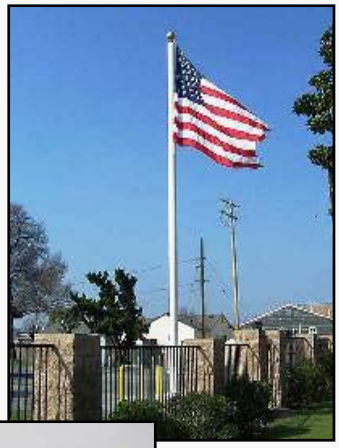
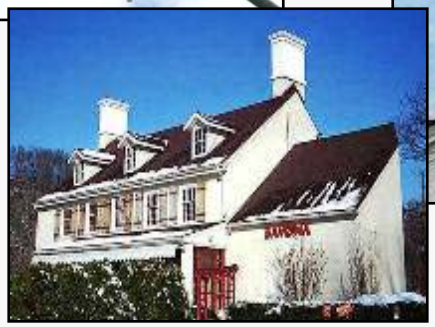
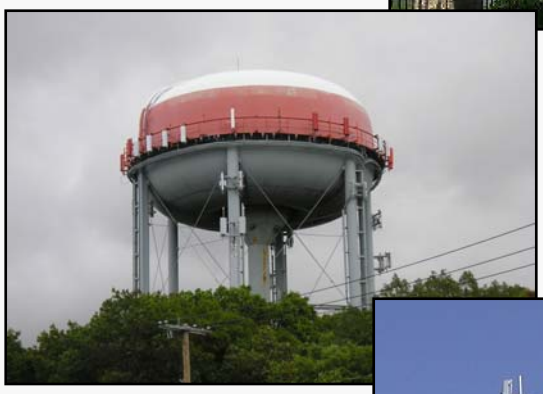
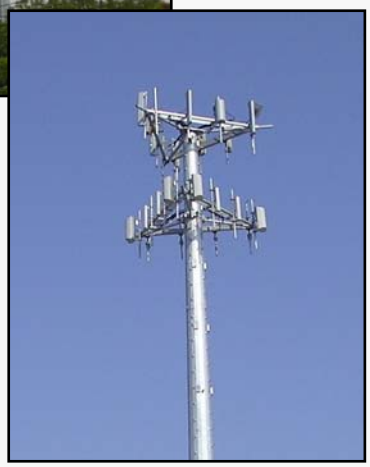
APPENDIX E

AMENDED DGEIS
MARCH 2008

Draft Generic Environmental Impact Statement

AS AMENDED MARCH 2008

Town of Southampton
Wireless Communications Plan and Local Law
Article XXVII: Wireless Communications Transmission
Support Structures and Antennas

Prepared for:

Town of Southampton

Hon. Linda A. Kabot, Town Supervisor
Hon. Nancy S. Graboski, Councilwoman
Hon. Daniel A. Russo, Councilman
Hon. Christopher R. Nuzzi, Councilman
Hon. Anna Throne-Holst

Prepared by:

Cashin Associates, P.C.
ENGINEERING • PLANNING • CONSTRUCTION MANAGEMENT

Draft Generic Environmental Impact Statement

Town of Southampton
Wireless Communications Plan and Local Law
Article XXVII: Wireless Communications Transmission Support Structures and Antennas

As Amended
MARCH 2008

Project Location and Sponsor:
Town of Southampton, Suffolk County, New York

Lead Agency:
Town of Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, NY 11968

Contact Person:
Richard Blowes, Town Management Services Administrator
Town of Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, NY 11968

Preparer:
Cashin Associates, P.C.
1200 Veterans Memorial Highway
Hauppauge, NY 11788

Date submitted: _____
Date accepted by Lead Agency: _____
Written comments accepted until: _____

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

TOWN OF SOUTHAMPTON

WIRELESS COMMUNICATIONS PLAN AND LOCAL LAW
ARTICLE XXVII: WIRELESS COMMUNICATIONS TRANSMISSION SUPPORT STRUCTURES AND ANTENNAS
As Amended
MARCH 2008

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SECTION ES

Executive Summary

ES-1 EXECUTIVE SUMMARY

This Executive Summary provides a brief overview of the essential components, issues, and facts contained in the body of the DGEIS, including:

- a description of the proposed action, discussion of its purpose, need, and benefits;
- identification of potential impacts;
- listing of mitigation measures;
- description of the alternative(s) considered; and
- elaboration of the matters to be decided, including any permits, approvals, or funding associated with the action.

ES-2 DESCRIPTION OF ACTION

The proposed action consists of two major components:

1) adoption of the Town of Southampton's Wireless Communications Plan; and

2) adoption of a Local Law entitled "Article XXVII: Wireless Communications Transmission Support Structures and Antennas" that reflects the goals, objectives, findings, and recommendations of the Town of Southampton's Wireless Communications Plan and amends "Article XXVII: Wireless Communications Towers and Antennas" so as to implement the Plan.

The project is classified as a Type I action and the Lead Agency for State Environmental Quality Review (SEQR) is the Town Board of the Town of Southampton. The DGEIS has been prepared in accordance with Section 8-0109 of the New York State Environmental Conservation Law (SEQR), the implementing standards and procedures of SEQR at 6 NYCRR Part 617, and other applicable planning and environmental guidelines.

ES-3 PROJECT PURPOSE, NEED, AND BENEFITS

The purpose of the Wireless Communications Plan is to create an analysis-based policy framework to facilitate coverage by wireless communications services, while also protecting the Town from the impacts of antenna support towers and other types of wireless facilities. In this, it carries out goals set forth in the Town's Comprehensive Plan Update, while striving to avoid or properly mitigate environmental impacts. The purpose of the proposed Local Law is to implement the findings and general policies of the Plan through the codification of regulations, standards, and procedures relative to wireless communications facilities in the Town.

ES-4 IMPACTS

This investigation includes identification of a wide array of conceivable impacts. It includes an assessment of the type and severity of each identified impact and consideration of the long-term, short-term, and cumulative effects that may result from the adoption of the proposed Plan and Local Law. Identification of potential environmental impacts and examination of their magnitudes is important for assessing the overall value and environmental feasibility of the subject action. It also provides the basis from which to evaluate the suitability of available mitigation methods and techniques and offers a perspective from which to develop additional mitigation strategies or new project alternatives that may be more practical and beneficial. Finally, the identification of impacts and the determination of their significance after all practicable mitigation strategies are implemented provide the basis for formulating SEQR findings.

Town land management plans and zoning code amendments are specifically created to address negative existing conditions and concerns, guide future actions so as to be consistent with the public's vision, foster positive community change, and avoid and/or mitigate potential land use and environmental impacts. The proposed "Wireless Communications Plan" and implementing zoning code amendments are examples of such

plans and laws. The proposed Plan and Local Law have been specifically crafted to address concerns associated with future construction, installation, and operation of wireless communications facilities in the Town. The considerable focus on the issues and means to prevent significant adverse environmental impacts from wireless communications facilities provided in the proposed Plan and Local Law, including but not limited to collocation, use of stealth techniques, development of design criteria, etc. will be quite effective at addressing any of the minor environmental effects of these facilities. Where minor impacts have been identified by this DGEIS, they are primarily related to the construction of new large scale stand-alone facilities and all are appropriately mitigated to the maximum extent practicable through the subject Local Law and existing Federal, State, and local laws.

ES-5 MITIGATION

One of the primary purposes for drafting the proposed Plan and implementing code amendments is to improve the Town's existing wireless communications codes and avoid or mitigate potential impacts associated with the siting, design, and construction of future wireless communications facilities in the Town. Therefore, it is important to note that although a thorough and detailed "hard look" of potential impacts and available mitigation is necessary and required, the proposed action was specifically developed by various specialists with an eye toward ensuring that anticipated impacts from such facilities would be avoided and mitigated to the extent possible, while balancing other important factors.

The importance of mitigation in the SEQR process is underscored by § 617.11, "Decision-Making and Findings Requirements", which requires that among other things, SEQR Findings Statements:

> *certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to*

> *the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.*

The proposed Plan and Local Law include a variety of impact mitigations including but not limited to those relating to:

- different levels of review based on structure or mounting height;
- facility design;
- identification of both preferred and undesirable locations for new facilities;
- collocation of facilities;
- special tower/building standards;
- setback and separation requirements;
- landscaping/screening;
- lighting;
- fencing;
- noise;
- NIER warning signs, determination of NIER levels, enforcement of exceedances of maximum NIER levels set forth at the federal level, and other health and safety issues;
- safety issues such as fall zones and railings around all exposed roof-mounted facilities;
- visual impacts;
- historic resources protection;
- stormwater and erosion assessments as they relate to access roads or driveways;
- monitoring and maintenance requirements for applications procedures, including requirements for Planning Board Special Exception approvals for some actions and inclusion of general Special Exception standards or considerations.

Based on a thorough review of the proposed Wireless Communications Plan and Local Law, no significant environmental impacts have been identified and no further mitigation is warranted.

ES-6 ALTERNATIVES

The alternative considered for this review is SEQR's requisite "no-action" alternative. The no-action alternative is described by § 617.9(b)(5)(iii)(v), "Preparation and Content of Environmental Impact Statements", as an alternative that "evaluate(s) the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action." For the purposes of this environmental review, the DGEIS examines the anticipated positive and negative effects from future wireless communications projects in the Town under the existing code ("Article XXVII: Wireless Communications Towers and Antennas"). The investigation involves a comparative assessment between conditions under the existing law as compared to that of the proposed Plan and Local Law in order to bring the relative differences in impacts to light.

The review suggests that adoption and implementation of the proposed Plan and Town Code amendments as compared to the Town's existing wireless communications regulatory framework (i.e., the no-action alternative) will result in generally positive effects as it relates to environmental protection.

ES-7 MATTERS TO BE DECIDED

The Southampton Town Board/Lead Agency is responsible for completing the SEQR process for the proposed Plan and Zoning Code amendments and adopting findings in accordance with this State law, including determining that:

1. the requirements of 6 NYCRR Part 617 have been met; and

2. consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures and safeguards that were identified as practicable.

The Town Board is also responsible for deciding whether to adopt the "Wireless Communications Plan" and its implementing legislation, "Article XXVII: Wireless Communications Transmission Support Structures and Antennas", thereby amending "Article XXVII: Wireless Communications Towers and Antennas".

The Plan and zoning amendments must be forwarded to the Suffolk County Planning Commission and the Central Pine Barrens Joint Planning and Policy Commission for review.

ES-8 CONSISTENCY WITH LAND USE PLANS

The proposed plan and legislation are consistent with all applicable Town plans, the Long Island Comprehensive Special Groundwater Protection Area Plan, Central Pine Barrens Land Use Plan, as well as Environmental Conservation Law Article 57 (Pine Barrens Act) through the Town's implementing regulations (Article XXIV, Central Pine Barrens Overlay District).

SECTION 1

Introduction

1.0 INTRODUCTION

This document represents the Draft Generic Environmental Impact Statement (DGEIS) for the Town of Southampton "Wireless Communications Plan" and implementing legislation ("Article XXVII: Wireless Communications Transmission Support Structures and Antennas") amending "Article XXVII: Wireless Communications Towers and Antennas". The subject action is classified as a Type I action pursuant to the State Environmental Quality Review Act (SEQR). Preparation of a DGEIS has been authorized by the Town Board of the Town of Southampton ("Lead Agency" in this matter), to determine whether the proposed action will result in significant environmental impacts, and, if so, whether modifications can be made to the proposed action to suitably mitigate these impacts. The DGEIS has been prepared in accordance with Section 8-0109 of the New York State Environmental Conservation Law (SEQR), the implementing standards and procedures of SEQR at 6 NYCRR Part 617, and other applicable planning and environmental guidelines.

1.1 DESCRIPTION OF ACTION

The proposed action consists of two major components:

1) adoption of the "Town of Southampton Wireless Communications Plan"; and

2) adoption of a Local Law (Article XXVII: "Wireless Communications Transmission Support Structures and Antennas") that reflects the goals, objectives, findings, and recommendations of the Wireless Communications Plan and amends Article XXVII, "Wireless Communications Towers and Antennas", accordingly.

1. Wireless Communications Plan: The proposed Plan includes an overview of issues concerning the siting and design of wireless communications facilities; an inventory of existing wireless communications antenna-supporting

structures and buildings in the Town and along its boundaries; a discussion of administrative issues concerning the processing of applications for wireless facilities, the leasing of municipal sites, and monitoring of facilities; an analysis of current network deployment patterns; and recommendations for managing the development of wireless structures through regulatory and administrative measures.

2. Legislation: The proposed legislation is designed to promote the installation of new wireless facilities in a hierarchy of preferred locations and/or installation types. It serves as a means to implement the recommendations of the Wireless Communications Plan, including providing siting, design, and health and safety standards to limit visual and other impacts and improve local service. It encourages the use of municipal lands, and public and quasi-public spaces. It sets forth procedures to expedite the application review process for those proposals which involve the least intrusive approaches to wireless communications deployment. The proposed legislation also establishes a framework for monitoring and maintenance of facilities.

While the Plan recommends new wireless facilities be situated in Town-owned rights-of-way, it and the Local Law also address wireless communications facilities that exist or may be developed throughout the unincorporated Town of Southampton (excluding incorporated villages).

1.2 BACKGROUND AND HISTORY

In 1998 the Town of Southampton addressed the proliferation of personal wireless services facilities by creating a new zoning ordinance to regulate how they are sited and designed ("Article XXVII: Wireless Communications Towers and Antennas"). Since then, facility proposals have been reviewed on a case by case basis by the Town's Planning Board. An increase in applications led members of

both the Planning Board and Town Board to recognize that the long-term and cumulative impact of wireless antennas and their support structures on the Town's visual landscape was not being adequately addressed. Consequently, the Town Board passed a seven (7) month moratorium on the acceptance of new applications, or the processing of submitted applications, for wireless communications facilities in order to give the Town time to study the issues and update its regulations. The resolution went into effect on May 8, 2007.

The moratorium was later extended by Town Board resolution dated December 11, 2007 for an additional three (3) months from its expiration date of December 17, 2007. This extension was necessary to provide sufficient time to process the proposed Plan, legislation, and environmental review in accordance with applicable mandatory processes and timeframes and to ensure the most detailed, sensible, and environmentally protective Plan and Local Law as possible.

To assist in the preparation of the subject Plan, the Town hired Miller & Van Eaton P.L.L.C. as legal consultants, and Comp Comm, Inc., and Cashin Associates, P.C. as technical consultants. It also hired Cashin Associates, P.C. to assist in preparing the GEIS for the proposed action. The project was managed by Town Management Services Administrator Richard Blowes, with oversight from Councilwoman Nancy Graboski. Staff from General Services, Current Planning, Long Range Planning, and Geographic Information Systems contributed significantly to the Plan and Local Law. The draft Plan and Local Law were also reviewed on several occasions by the Town Board during its regularly scheduled work sessions.

1.3 COMPONENTS OF WIRELESS COMMUNICATIONS FACILITIES

The Wireless Communications Plan and the associated amendments to the Town's zoning code address all aspects and components of wireless communications facilities, including:

- An antenna or antenna array to transmit and receive the wireless signals;
- A support structure, which may be a tower, a pole, an existing building or other structure on which antennas or other transmission devices are mounted;
- Associated equipment (transmitters, computers, power supplies, etc.) to run the facility and process the signals — sometimes referred to as "base station equipment". This equipment may be enclosed in shelters or cabinets;
- Cabling to carry signals to/from the base station equipment to the antenna(s).
- Connection(s), or feed lines, to the local cellular switch and onto the broader wireline phone network. WiMAX tower connections will be connected to an ISP network instead. As noted, not all WiFi installations will require a wired connection to the Internet.

The terms "wireless communication facility", "wireless facility", and "facility" are used in this document to refer to any or all of the components listed directly above.

1.4 PROJECT PURPOSE, NEED, AND BENEFITS

1.4.1 Project Purpose

The purpose of the Wireless Communications Plan is to create a study-based policy framework to facilitate coverage by wireless communications services, while also protecting the Town from the impacts of antenna support towers and

other types of wireless facilities. In this, it carries out goals outlined by the Town's Comprehensive Plan Update, while striving to avoid or properly mitigate environmental impacts.

The goals of the proposed Local Law as set forth under § 330-300 D shed light on the intent and purpose of the subject action as follows:

> *(1) Encourage the use of existing structures, including, but not limited to, rooftops, utility poles, steeples, flagpoles or other unobtrusive alternative support structures for deploying wireless communications facilities.*
> *(2) Encourage the use of municipal lands, public and quasi-public spaces for wireless deployment, provided any such installation is visually compatible with the objectives of [Article XXVII].*
> *(3) Expedite the review process for those applications choosing the least intrusive alternative of deploying wireless communications facilities.*

1.4.2 Project Need

The need for the Plan arose from a perceived lack on the part of the Town's Planning Board of both information and regulatory tools for adequately responding to new applications for wireless communications facilities in ways that protect the Town's many resources and cherished qualities. Frequently, the Board faced applications for new facilities in areas where they believed — but did not have the data to confirm — that adequate coverage by multiple carriers already existed. It needed:

- unbiased information on the deployment and capacity of wireless facilities in and around the Town;
- information on the siting, design, impacts of and regulatory controls for new wireless internet technologies; and

- strategies and regulatory tools for preventing the visual blight that can arise from poorly designed and situated wireless facilities.

1.4.3 Project Benefits

The following benefits are anticipated as a result of the Plan and amended ordinance:

- Access to reliable wireless communications services throughout the Town will be facilitated because of an improved development review process;
- Community aesthetics will be protected through revised regulations that include standards and guidelines for unobtrusive design;
- Redundant facilities will be avoided by providing and maintaining information on facility deployment and coverage;
- Public safety will be improved through enhanced regulations and facility monitoring;
- Public participation in the development review process for wireless facilities will be improved through communications efforts and enhanced notification.
- Municipal costs associated with application processing, and site monitoring and inspection of wireless facilities will be offset through new fees.

1.5 PROCEDURES AND APPROVALS

1.5.1 Moratorium

The Town Board recognized that wireless carriers could be placed at a disadvantage were they to invest time and effort preparing applications based on an ordinance in the process of being updated, with the potential to be changed substantially by the time they were ready to file. Accordingly, the Board initiated proceedings to adopt a Local Law enacting a moratorium, as noted above, on the

acceptance of new applications, or the processing of submitted applications, by the Town Board, Planning Board, Zoning Board of Appeals, or any other agency, department or office of the Town of Southampton for a period of seven (7) months. That period was chosen based on the Town's best estimate of the time required to complete the Plan, develop the revised ordinance, and enact that ordinance according to the procedures set forth under State and Local Law, including fulfillment of the requirements of SEQR.

The Town Board noticed a Public Hearing on the Local Law on March 27, 2007. The hearing opened on April 10, 2007 and closed on April 24, 2007. No testimony or written comments were received from the public or representatives of the wireless industry during this period. A Notice of Adoption was issued on May 8, 2007, which went into effect on May 17, 2007. At the time the moratorium was established, it was the intention of the Town Board to terminate it concurrent with the enactment of the revised ordinance. As the seven month period drew to a close, and additional time was required to complete and enact the updated ordinance, the Town Board on December 11, 2007 held a public hearing on a proposed Local Law to extend this moratorium three (3) months from its initial expiration date of December 17, 2007. As with the first public hearing, no testimony or written comments were received. A resolution extending the moratorium was duly adopted by the Town Board on December 11, 2007.

1.5.2 State Environmental Quality Review Act (SEQR) Status and Lead Agency Designation

The subject action is classified as a Type I action pursuant to § 617.4 (b) (1) of SEQR as it involves the adoption of "a municipality's land use plan" or "comprehensive resource management plan". It is anticipated that the Town Board will adopt the Wireless Communications Plan and append it to the Town's Comprehensive Plan.

The SEQR process involves:

- identification of type/classification of action and lead agency coordination/designation where applicable;
- determination of significance of subject action (positive or negative declaration) or go straight to EIS or GEIS stage;
- scoping (public scoping is optional);
- preparation of a draft generic environmental impact statement (DGEIS);
- acceptance of the DGEIS with respect to scope and content for public review by the Town Board (Lead Agency);
- publishing of a notice of completion in the State's Environmental Notice Bulletin (ENB) and advertise/notice the optional public hearing(s) in a newspaper of local distribution;
- the holding of a joint public hearing(s) for the DGEIS (optional) and proposed draft Plan and legislative amendments;
- allowing for a minimum ten-day written comment period after the close of the last public hearing;
- completion of a Final GEIS, including written responses to all substantive verbal and written comments received during the public comment period from the public and interested and involved agencies and identification of any modifications made to the draft plan or draft law as a result of comments received;
- acceptance of the Final GEIS by the Town Board (Lead Agency) as adequate and accurate for public review;
- publishing of the acceptance of the Final GEIS in New York State's Environmental Notice Bulletin;
- allowing for a minimum ten day written comment period after acceptance of the Final GEIS;
- preparation and adoption of final SEQR Findings Statement by all involved agencies, including:

- consideration of the relevant environmental impacts facts and conclusions disclosed in the Final EIS;
- the weighing and balancing of relevant environmental impacts with social, economic and other considerations;
- inclusion of a rationale for the lead agency's decision;
- certification that the requirements of 6NYCRR Part 617 SEQR have been met; and
- certification that consistent with social, economic and other essential considerations from among the reasonable alternatives available, that the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

As noted, the proposed action is classified as Type I. The Town has chosen to go straight to the DGEIS stage without first preliminarily assessing the action for its significance as permitted by SEQR § 617.6 (a) (4). Because of the time pressures involved as a result of the moratorium and the nature of the subject actions, the Town also chose to forgo the optional public scoping stage.

1.5.3 Wireless Communications Plan and Town Code Amendments

Both the Plan and legislative code amendments will follow a similar path to adoption. Draft copies of the Plan and Local Law will be made available to the public and will be referred to any involved agencies for review and comment. Early drafts of the Plan were presented to the Town Board at two different work-sessions for review and discussion. Feedback from the Town Board has been incorporated into the current draft that forms the basis of this DGEIS.

Joint public hearing(s) will be held for the DGEIS, draft Plan, and draft ordinance update. The public hearing(s) will subsequently close and a written comment period will be provided in accordance with SEQR timeline requirements. Based on input received, final modifications will be made to the two documents. The SEQR review will be finalized and changes will be made to the Plan and ordinance, as may be required, to ensure they meet the spirit and intent of SEQR. SEQR findings will be issued and adopted. If positive findings are issued and the Plan and Local Law are to the satisfaction of the Town Board, they will be officially adopted and put into effect.

1.6 SUMMARY OF THE PROPOSED ACTION

The Wireless Communications Plan recommendations fall into three implementation categories:

1. Recommendations to be implemented through facility planning and monitoring;
2. Recommendations implemented through the facility application and review process; and
3. Recommendations implemented through the ordinance update.

The first two categories of Plan recommendations are administrative in nature and are summarized below in section 1.6.1. The third category is regulatory, and is presented in 1.6.2.

1.6.1 Administrative Recommendations

- Assist carriers with site identification. Activities to include:
  - maintaining inventories of existing and potential support structures;
  - designating staff to provide technical assistance;
  - requiring preapplication meetings.

- Conduct outreach regarding new facilities on State and County property within the Town.
- Update the review and permitting process:
  - Streamline process for facilities meeting location and design standards;
  - Establish a tiered system, with:
    - administrative review for installations that will have no or minimal impacts, such as new antennas on existing buildings, structures, and stealth installations;
    - expedited review for facilities in preferred locations;
    - special exception review for all other facilities;
  - Establish restrictions to protect sensitive areas — e.g., viewsheds, historic districts, critical environmental areas, etc.;
  - Consider overlay district where taller structures may be located.
- Monitor facilities to ensure regulatory compliance and public safety. Monitoring activities to include:
  - Creating a registry of facilities;
  - Requiring annual reporting on FCC compliance, noise, and facility use/status;
  - Requiring report on structural soundness every 10 years.
- Designate staff to conduct site inspections.
- Require permits to be renewed every 10 years.
- Enact a fee structure commensurate with the costs of application review, monitoring and inspection. The structure should include:
  - an application fee; and
  - annual fees to support on-going review and inspections, with separate rates for:
    - purpose-built support structures
    - antennas.

  Have the fee structure support siting and design policies — e.g. lower fees for "stealth" installations.

- Pursue lease arrangements for Town-owned facilities.
- Keep Town staff and officials involved in wireless facility review up to date on new technologies.
- Provide information to the general public via:
  - Town website;
  - information brochures;
  - enhanced public notice requirements.

1.6.2 Summary of Proposed Regulatory Requirements

- To ensure that new facilities are sited efficiently, applicants will be required to:
  - provide the Department of Land Management with its own inventory of existing transmission support structures, or sites approved for towers or antennas, of which the applicant is aware that are either within the jurisdiction of the Town or within one mile from its border;
  - demonstrate there is no feasible alternative to the proposed facility (Special Exception Permit applications must include a minimum of two alternatives that defer from the preferred request);
  - provide an affidavit demonstrating they have made a good faith effort to identify potentially suitable existing structures in neighboring municipalities, when the proposed location is within two miles of another jurisdiction;
  - renew facility permits every 10 years.
- To support the policy that a greater number of smaller, less obtrusive structures is preferable to a lesser number of larger, more obtrusive structures, applicants will be required to:
  - site facilities at the highest feasible rung on a hierarchy of preferred locations — i.e. “areas of opportunity”;
  - provide an analysis of alternative installations in order to allow an evaluation of trade-offs and identify the least intrusive option.

- To mitigate visual and other community impacts, applicants shall be required to:
  - provide a visual analysis demonstrating whether and how facilities may be shielded from public view or otherwise disguised;
  - undergo architectural review for all building-mounted and stealth-type installations, and for all installations on historic structures, in historic districts and in business improvement districts;
  - utilize stealth design at all times in sensitive areas, and when otherwise feasible. Stealth installations shall be subject to architectural review;
  - place base station equipment underground or in architecturally compatible structures;
  - design facilities must blend harmoniously with their surroundings in shape, color, material, and texture:
    - building mounted antennas will be painted to match the exterior of the structure to which they are attached;
    - towers, monopoles and similar freestanding facilities will be painted light blue, silver, or light grey.
  - use security fencing and landscape screening that utilizes styles, materials and plant species found in the immediate vicinity;
  - contain no advertising signage, including commercial text, logos, etc.;
  - post a bond for facility landscape maintenance, when appropriate;
  - post a bond to provide for a facility's removal in the event that it ceases to be used by the company and/or property owner. Carriers to notify the Town when they cease operations at a specific site. Facilities that have not been in use by any service carrier for a period of 12-months should be subject to abandonment provisions that provide for removal of a facility by the company and/or property owner.
- To enhance the safety of new facilities, they shall be required to:
  - use hurricane and tornado building standards;

- include a "fall zone" between 1 and 3 times the height of the structure, depending on surrounding land uses;
- erect security fencing with warning signs around all ground-level installations and equipment. Warning signs should be limited in size, and subject to design review for visual impact;
- provide access for emergency maintenance at all times. Facility signage should contain emergency contact information;
- demonstrate compliance with FCC regulations on annual basis;
- demonstrate compliance with the Town's noise ordinance on annual basis (applicable only to facilities with mechanical ventilation, power generators or other sources of noise).

1.7 ORGANIZATION AND FOCUS OF THIS DGEIS

This DGEIS identifies the potential impacts that Town adoption of the proposed Wireless Communications Plan and Wireless Communications transmission Support Structures and Antennas ordinance update will have on the Town of Southampton. It evaluates thirteen (13) areas of potential impact, including:

1. Geology, Topography, and Soils
2. Agricultural Resources
3. Groundwater
4. Surface Waters and Wetlands
5. Ecological Resources
6. Land Use and Zoning
7. Transportation
8. Community Services and Utilities
9. Cultural, Historic, and Visual Resources
10. Critical Environmental Areas
11. Noise
12. Energy/Energy Conservation

13. Public Health and Safety

For each potential impact area, the document presents an overview of existing conditions followed by a discussion of impacts anticipated as a result of the subject action — i.e. adoption of the Plan and ordinance update. Where appropriate, measures are proposed to mitigate the anticipated impacts.

It should be noted that the impacts that are the focus of this DGEIS are those that will occur as a result of the Wireless Communications Plan and the associated Local Law which implements Plan recommendations. Discussion of these impacts will necessarily involve a discussion of the impacts of wireless facilities, and though the two are related they are not the same. The impacts of specific, proposed facilities are not the subject of this review. Generally speaking, the Plan and Local Law are intended to minimize the impacts of facility development and minimize redundancy in the proliferation of facilities.

1.8 PERMITS AND APPROVALS

The Town Board of the Town of Southampton has approval authority over the adoption of the Wireless Communications Plan and proposed Local Law as it is directly funding, approving, and undertaking the subject action. The Town Board, as Lead Agency, is also responsible for satisfying all SEQR requirements and procedures in this matter. The Plan and Local Law must be submitted to the Suffolk County Planning Commission pursuant to 239-m of the General Municipal Law and the Central Pine Barrens Joint Planning and Policy Commission. There are no other involved agencies. Interested agencies, including some that may or will have a role in future Plan and Local Law implementation, are as follows:

- Town of Southampton Planning Board

- Town of Southampton Architectural/Design Review Board
- Town of Southampton Landmarks and Historic Districts Board
- Town of Southampton Building Division
- Town of Southampton Police Department
- Suffolk County Department of Health Services
- Suffolk County Water Authority
- New York Department of Environmental Conservation
- Suffolk County Department of Information Technology
- New York State Office for Technology, Statewide Wireless Network Project Office

Neighboring Towns and Incorporated Villages may also be considered interested agencies when facilities are proposed near jurisdictional boundaries.

SECTION 2

Environmental Setting, Impacts, and Mitigation

2.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

2.0.1 Section Contents

As noted, this section presents a comprehensive series of environmental conditions in the Town of Southampton and considers the effects that adoption and implementation of the Wireless Communications Plan and associated Local Law will have on them. The anticipated impacts and mitigation measures are given directly following the discussion of each set of existing conditions.

2.0.2 Overall Impacts Related to the Proliferation of New Facilities

The extent and severity of impacts from the installation of wireless communication facilities depend on the overall number of facilities developed in and around the Town. The Wireless Communications Plan and associated Local Law specifically contain policies and regulations intended to address this concern. The anticipated effect of these policies and regulations is to minimize all environmental impacts associated with such facilities.

To avoid the redundancy in this document that would be caused by citing the various Plan recommendations and regulatory provisions to control the unnecessary proliferation of wireless communications facilities repeatedly under each category of environmental assessment, they are detailed directly below. Discussion under individual impact areas will reference them briefly.

The Wireless Communications Plan and proposed code amendments will prevent unnecessary proliferation of wireless communications facilities in the Town of Southampton through:

- *Improved coordination and planning.* The Plan calls for the Town to provide technical assistance to service providers to help them site new facilities efficiently, avoid redundant coverage areas, and to identify and evaluate

potential co-location opportunities. Such technical assistance will include providing the propagation study results contained in the Plan, and up-to-date information on existing and proposed facilities. The facilities information would be maintained by the Town through:

- A requirement for each applicant to submit information on all existing or approved transmission support structures which they have knowledge of within the jurisdiction of the Town or one mile from its border;
- Outreach conducted regularly by the Town to adjoining municipalities and public entities with property in the Town (i.e. State and Federal entities) to identify the status of existing plans for new wireless facilities;
- Maintenance of a Town registry for all permitted wireless facilities.

- *Evaluation of Alternatives.* The proposed Local Law requires applicants to demonstrate that the proposed facility is the best feasible alternative for providing needed coverage. This evaluation of alternatives will avoid inefficient and redundant siting. It will also promote facilities that have the least impact on the environment.
- *Policy 2. Existing structures and buildings are preferred locations for personal wireless service facilities.* Siting facilities on existing structures and buildings will result in fewer free-standing antenna support structures (e.g. towers and monopoles). The Plan includes a hierarchical list of preferred and discouraged facility types and locations.

It should also be noted that one policy given in the Plan has the potential to lead to more facilities than otherwise. Policy 3 states:

> *A greater number of smaller, less obtrusive structures are preferable to a lesser number of larger, more obtrusive structures.*

The determination of whether a facility is more or less obtrusive will be made by looking at its place on the list of preferred locations, and through the evaluation of

alternatives during the permit review process. Although the policy may lead to more numerous wireless communications facilities, it is expected that for the most part those facilities will be smaller and that their cumulative impacts will be the equivalent of, or less than, the large tower structures the policy seeks to avoid.

2.1 GEOLOGY, TOPOGRAPHY, AND SOILS

2.1.1 Existing Conditions

The surficial geology of Southampton and Long Island consists of Pleistocene-aged glacially-derived deposits and more recent Holocene-aged barrier islands and beaches. Glacial deposits include the Ronkonkoma Moraine and glacial outwash plains.

The moraine deposits occur along the northern and north-central portions of the Town extending from Riverside through Flanders, northern Hampton Bays, Shinnecock, North Sea, Noyac and northern Bridgehampton and Sagaponack. The Ronkonkoma Moraine is characterized by higher and more variable elevations, rolling topography, and small hills and depressions referred to as "knob and kettle" topography which sometimes support sensitive environmental and ecologically important features such as small ponds and wetlands. The unconsolidated materials comprising the moraine consist primarily of materials that were deposited in place by the glacier during the Wisconsinan Stage of the Pleistocene Epoch, rather than being sorted and deposited by glacial meltwater.

Outwash plains are found south of the moraine in the communities of Eastport, Speonk, Remsenburg, southern Westhampton, East Quogue, southern Hampton Bays, Water Mill, and southern Bridgehampton and Sagaponack. Outwash plains in the Town extend from the southern edge of the moraine and dip gently toward the south shore of the mainland. Surface elevations on outwash plains are lower than the moraine and gradually slope to sea level. The topography of the outwash plain is also flatter and less irregular. Unlike the moraine deposits which consist

primarily of materials that were deposited in place, the outwash plain consists of meltwater deposits.

The Town also has surficial geologic deposits associated with the more recent Holocene Epoch. These deposits are associated with the Town's barrier and mainland beaches and dunes, the Peconic River basin, and various tidal wetlands and fresh and tidal creeks.

Soils are variable throughout the Town and include soils that are suitable for or can constrain development, prime agricultural soils, and soils and land types that have a high water table and are associated with environmentally sensitive wetland and tidal marsh areas.

2.1.2 Potential Impacts to Geology, Topography, and Soil Resources

Installation of antennas on existing support structures as preferred by the Plan and Local Law will have no affect on area geology, topography, and soils. However, the construction of new stand-alone communication facilities can involve clearing, grading, excavation and paving to accommodate the antenna support structures, concrete pads, base station equipment (which in some instances may be underground under the subject action), access driveway(s), and parking areas. Monopole antenna support structures may be anchored by concrete blocks buried in the ground, or they may be comprised of a "direct-embedded" pole driven twenty feet or more into the ground, depending on soil structure and other factors.

Such clearing, grading, burial of components and construction of impervious surfaces are typically minimal. However, these activities could result in limited ground disturbance, very slight changes in drainage patterns, and small increases in stormwater generation, which would in turn create a small potential for soil erosion and sedimentation of nearby wetlands or surface waters, during both the construction and post-construction stages, if not properly controlled. The occurrence and scale of such potential impacts are site and project specific.

The Wireless Communications Plan includes a series of Town maps, several of them highlighting areas to either be avoided or treated with sensitivity in the siting of new wireless communications facilities. These include Town Designated Critical Environmental Areas, the Agricultural Overlay District, Community Preservation Fund Lands and Central Pine Barrens critical resource and core preservation areas. The purpose of including these maps in the Plan is to provide a resource for wireless service providers, the Town Planning Board and others involved in the planning and review of new wireless communications facilities so they can, among other things, avoid the siting of new facilities in areas with sensitive geological and soil resources.

As discussed above in Section 2.0.2, the Plan and ordinance will promote efficient siting of facilities and fewer ground level installations. The Plan also includes Policy 4, stating that: "[t]*o the extent feasible, wireless service facilities should be sited in public rights-of-way or other quasi-public locations."* With the rights-of-way already developed, new wireless facilities in these locations would avoid impacts to geology, topography and soils.

One Plan policy that may lead to marginally greater impacts to geology and soils is recommendation 7.4, requiring "equipment to be located underground or enclosed in architecturally compatible structures." Buried equipment would involve somewhat greater soil disturbance.

With respect to topography, policy recommendation 8.1 in the Wireless Communications Plan limits the height of new wireless telecommunications facilities in relation to the height of prevailing development within a 100-foot radius of the proposed facility. This is a flexible approach that places facility design in the context of the surrounding environment. It also removes the incentive for wireless facility developers to raise the grade of a proposed site in order to circumvent height limits expressed as an absolute number. Furthermore, § 330-306 C., "Special exception uses. Special conditions and safeguards"

provides a list of factors for the Planning Board to consider before granting special exception permits, including but not limited to, surrounding topography and facility height. Consideration of these factors can help to address impacts from height due to existing topography.

2.1.3 MITIGATION TO PROTECT GEOLOGY, TOPOGRAPHY, AND SOILS

The Wireless Communications Plan and implementing legislation were in part drafted to develop strategies to minimize the environmental impact of wireless communications facilities. However, the primary impact of concern is visual; protection of geology, topography and soils is treated peripherally. An inherent assumption is that impacts to such resources are adequately controlled by the Town's existing building and site plan review procedures and regulations, including its erosion and sedimentation policies.

The proposed Local Law requires that the Planning Board consider surrounding topography as part of any Special Exception approval and as previously mentioned provides maps of areas of environmental sensitivity. It also states that existing natural landforms must be preserved to the maximum extent possible. Moreover, § 330-309 D. notes that regardless of location, any road or access used to a new wireless communications facility will be required to be assessed for stormwater and erosion by a licensed professional engineer. Once the Planning Board and/or Town engineer has the opportunity to review the assessment, if it is believed that there is the potential for erosion and/or stormwater drainage issues, the Planning Board will have the authority to request a plan to mitigate the potential impacts.

The technical assistance provided by the Town to wireless communications providers should include information on, and maps of, these resources for the specific locations being considered for new facility development. Exploration of alternative sites should include a comparative assessment of soils and geology,

when appropriate — particularly when considering the type of anchoring system to be used by monopoles, and whether base station equipment should be buried. Adherence to State and local wetlands regulations and permit requirements would limit the potential for siting structures on unsuitable hydric (i.e., wetland) soils.

Based on the assessment of potential impacts and available mitigation, no significant environmental impacts relating to topography or geology are anticipated and no mitigation is required.

2.2 AGRICULTURAL RESOURCES

2.2.1 Existing Agricultural Resources

The Town of Southampton contains thousands of acres of prime agricultural soils and farmlands. These are highly valued for their historic and cultural contributions to the Town, their community character and scenic qualities, and economic benefits, including both their value as producers of food and their attraction for the tourism and second homeowner sectors of the community.

Over the course of many years, the Town has conducted a number of studies and established and implemented various laws and strategies to protect its valued agricultural resources. These include, but are not limited to:

- 1970 Master Plan and the 1999 Comprehensive Plan Update;
- Agricultural Overly (AO) District Law (§330-47 of the Southampton Town Code);
- Open Space Subdivision (Clustering) standards for agricultural lands (Chapter 247, Open Space, and Chapter 292, Subdivision of Land, of the Southampton Town Code);
- Farm and Farmland Protection Strategy;
- Right to Farm Law (Chapter 161 of the Southampton Town Code);

- Community Preservation Project Plan and Fund (Chapter 140, Community Preservation Fund, of the Southampton Town Code);
- Purchase of development rights (PDR) and TDR programs;
- Dedication of open space and conservation easements;
- Town Agricultural Advisory Committee.

The Wireless Communications Plan contains maps of the Town's Agricultural Overlay District and of Community Preservation Fund (CPF) Lands. The Plan also contains a discussion of these resources and the existing development restrictions placed on them by local and State regulations. It notes that the development of wireless communications facilities:

- is not permitted on CPF land under the terms of deed restrictions; and
- is not permitted on land that the Town has purchased development rights.

The Plan also notes that silos have been used to host stealth wireless installations.

2.2.2 Potential Impacts on Agricultural Resources

The relatively small amounts of land required by wireless facilities would have correspondingly small impacts on agricultural soils and land productivity, particularly if the required "fall zone" remained in cultivation. However, the Plan reports that wireless service facilities typically utilize some hazardous materials such as gallium arsenide (a carcinogen), sulfuric acid in batteries, diesel fuel for generators, and compressed gases. While the quantities found at these facilities are usually not large and do not present a serious threat to life or property, they may act as a soil or crop contaminant if not properly managed.

The most likely impact to agricultural resources from wireless communications facilities is visual and, as noted, the aesthetic qualities of agricultural land are particularly prized in the Town of Southampton.

The proposed action seeks to reduce the visual impact of wireless communication facilities on agricultural resources in a variety of ways. First, the technical assistance aspect will help wireless providers to avoid siting new facilities on agricultural lands to the greatest extent possible. Should it prove not practicable to avoid these resources in order to provide full Town coverage, the Plan and the ordinance both promote the use of existing structures, and also "stealth" installations where the support structures are hidden or camouflaged. Agricultural silos readily lend themselves to this kind of use, and other tall farm structures may as well, including barns, water towers and wind turbines. However, this is only possible if the new structure is associated with a bona fide agricultural use, does not adversely affect prime agricultural soils, and is permitted by the language of any filed agricultural easements.

Potential impacts from hazardous materials will be addressed by the Plan and Local Law's establishment of a facility registry with annual reporting and Town inspections.

2.2.3 Mitigation to Protect Agricultural Resources

Wireless communications facilities typically require very little land. The proposed Local Law limits the base of any transmission support structures to no more than 500 square feet and unmanned equipment cabinets to no more than 750 square feet thereby limiting coverage and soil and vegetative disturbance. One approach to mitigating aesthetic impacts to agricultural lands is to utilize existing facilities such as barns or silos for mounting antennas, where applicable. As both the Plan and Local Law contain provisions to protect agricultural resources from the potential impacts of wireless communications facilities, no further mitigation is necessary.

2.3 GROUNDWATER

2.3.1 Existing Groundwater Conditions

The Town of Southampton relies entirely on groundwater for its drinking water supply. There are three primary geologic water bearing units in the Town, each comprised of surficial unconsolidated sediments overlying the deep metamorphic basement rock of Long Island. From youngest to oldest, the units and the aquifers they contain are:

- Upper Glacial deposits (Upper Glacial Aquifer) which consists of Pleistocene-aged glacial drift;
- Cretaceous-aged deposits of the Matawan-Magothy Formation (Magothy Aquifer); and
- Cretaceous-aged Raritan Formation containing an unnamed confining clay member and the Lloyd sand member (Lloyd Aquifer).

The Town of Southampton is served by a sole source aquifer, which is defined as an aquifer that supplies 50 percent or more of the drinking water in a particular area; whereas, the Town receives all its drinking water from local groundwater sources. The DEC-designated sole source aquifer serving Southampton is generally considered to be of good quality and of sufficient volume to accommodate additional growth in the area. Water well production rates range from 10 to 500 gallons per minute.

Because groundwater is the only source of drinking water for the Town and any significant degradation or depletion of the resource would have a detrimental effect on the area population, a number of governmental efforts have been instituted to protect this valuable resource. Specific focus has been placed on

areas identified as having deep recharge characteristics as they replenish the deeper and more protected Magothy Aquifer.[1] These have been delineated as:

- the Core Preservation and Compatible Growth Areas of the Central Pine Barrens;
- Long Island Regional Planning Board's Special Groundwater Protection Area; and
- the Town's Aquifer Protection and Central Pine Barrens Overlay districts.

A variety of rules, regulations, policies, and standards have been established to protect these areas, including but not limited to regulations associated with Central Pine Barrens Comprehensive Land Use Plan (CPBJPPC, 1996), Long Island Comprehensive Special Groundwater Protection Area Plan (LIRPB, 1992), Suffolk County Sanitary Code, and the Code of the Town of Southampton. New York State Environmental Conservation Law § 55-0101, Sole Source Aquifer Protection, designates special groundwater protection areas that constitute areas of critical environmental concern, requiring environmental impact statements for any action with significant impact on these areas and prohibiting incompatible uses over primary water supply aquifers.

2.3.2 Potential Impacts on Groundwater Resources

Wireless communications facilities do not typically and are not anticipated to involve wastewater disposal and, as noted earlier in section 2.1.2, the amount of impervious surfaces created that would generate stormwater runoff tends to be minimal. There is some potential for minor impacts to groundwater from spills or releases of generator fuels, applications of herbicides, or other hazardous substances that may be used or present on site (just as with many other industrial, commercial, institutional, and residential land uses). However, these impacts

[1] The Magothy is more protected from contamination than the Upper glacial aquifer, and is therefore, an important source of potable drinking water.

would result from rare accidents rather than normal operation, and the quantity of toxic materials that could be released is small.

The proposed zoning regulations for wireless communications facilities does not directly control for groundwater impacts, relying on the Town's development review process to apply and enforce existing local and state regulations (referenced above). The process will be used to identify and address site grading and design features to contain hazardous materials and manage stormwater runoff. That said, the Wireless Communications Plan and the proposed Local Law do contain some provisions to prevent the accidental release of contaminants by ensuring wireless facilities are properly maintained. These include:

- technical assistance for siting new wireless facilities that takes into account sensitive resources. The Plan includes maps of the Central Pine Barrens Critical Resource, Core Preservation and Compatible Growth Areas, and Town Designated Critical Environmental Areas;
- regular facility inspections conducted by the Town, with the costs of such inspections to be supported through annual fees;
- a requirement for Town notification when facilities are abandoned;
- a requirement for the removal of abandoned facilities in a timely manner.

No significant impact to groundwater or the sole source aquifer is expected from the adoption of the proposed Plan and Local Law and no further mitigation is recommended.

2.3.3 Mitigation to Protect Groundwater Resources

Based on the assessment of potential impacts and available mitigation, no significant environmental impacts to groundwater resources are anticipated and no further mitigation is required. It is recommended, however, that mechanical methods of plant removal and control be used rather than chemical (herbicide) means.

2.4 SURFACE WATERS AND WETLANDS

2.4.1 Existing Conditions Relating to Surface Waters and Wetlands

The Town of Southampton contains numerous and diverse fresh and tidal surface waters and wetlands. There are an estimated 19,310 acres of tidal surface waters in the Town (Land Ethics, 1999). Salt and brackish waters include the Atlantic Ocean, the Peconic Estuary, and many bays, tidal ponds and creeks. Fresh surface water bodies in the Town include a number of small lakes and ponds, a segment of the Peconic River, and the headwaters or inland sections of several tidal creeks. These resources are integral to the Town's identity and functioning as a resort and maritime community. They provide scenic qualities, world class recreational opportunities, and critical wildlife habitat, and are also the basis for a variety of economic activities.

The Town of Southampton falls within the Long Island/Atlantic drainage basin and drains into the Atlantic Ocean or into a series of bays including Moriches Bay, Quantuck Bay, Flanders Bay, Shinnecock Bay, Great Peconic Bay, Little Peconic Bay, Mecox Bay, Sagaponack Bay, and Noyack Bay.

The Southampton Town Code includes sections regulating activity in Coastal Erosion Hazard Areas and Tidal and Freshwater Wetlands. Additionally, the Town's Zoning Code and Official Zoning Map contain overlay districts regulating development in Tidal Wetlands and Tidal Floodplains. Projects along the Atlantic Ocean and Long Island Sound are also subject to coastal management consistency review by the New York State Department of State, Coastal Resources Division.

2.4.2 Potential Impacts on Surface Waters and Wetland Resources

Potential minor impacts to surface waters and wetlands from wireless communications facilities can occur during both the construction and operational phases of the facilities from:

- cars, trucks and construction vehicles experiencing incidental or accidental leaks of gasoline, motor oil, antifreeze or hydraulic fluid;
- construction-related activities such as vegetation removal, excavation, grading, and placement of fill that may have the potential to increase site erosion and runoff;
- electric generators and engines that accidentally spill or leak lubricating oils during normal operations or servicing, including periodic oil changes. In an extreme case, such incidents may result in a few quarts of oil spilling onto concrete foundation slabs or into the soil.

Potential impacts to wetlands may also include direct loss of wetland acreage; alteration of wetland functionality; wetland segmentation and changes in flow patterns; changes to resident vegetation and fish and wildlife species; and damage from sedimentation and pollutants. However, due to the existence of Federal, State, and Town wetland permit requirements such impacts are not anticipated. The Plan and associated ordinance promote the siting of facilities on existing structures and, when that is not possible, in "areas of opportunity" that screen out such sensitive resources.

Antenna support structures and base stations also have the potential to impair the scenic value of coastal areas, ponds, marshes, and other important water features.

Again, these impacts are in part currently addressed through State and Town regulations designed to protect surface waters and wetlands from general development (e.g. NYSDEC Rules and Regulations, Parts 661 and 663 and Chapter 324 of the Southampton Town Code). The Wireless Communications Plan and implementing ordinance amendments will support and enhance them through its provisions for technical assistance to wireless providers, continuing education of Town officials involved in facility review, and regular facility inspection.

The proposed policy to favor a greater number of less visually obstructive facilities over a smaller number of larger and more visually obtrusive ones could have the potential to result in correspondingly greater impacts on water. This is not likely, however, because the Plan and Local Law call for an evaluation of alternatives which would take such impacts into account.

2.4.3 Mitigation to Protect Surface Waters and Wetland Resources

The Wireless Communications Plan and Local Law will add to the existing regulatory protections for surface waters and wetlands. Landscape buffers that are at least 25 feet wide will be required around transmission support structures. The Local Law also calls for the preservation of existing mature trees and natural land forms to the maximum extent possible. Future construction and installations of transmission facilities must comply with all Federal, State, and local wetlands permit requirements. Applications of herbicides should be avoided.

Based on the above, no significant impact to surface waters and wetlands are anticipated and no further mitigation is necessary.

2.5 ECOLOGY

2.5.1 Existing Ecologic Resources

The Town has significant ecological resources. The State of New York has identified 19 specific coastal wildlife habitat areas in the Town, while the Town has identified an additional 17 significant natural areas (Land Ethics, 1999). Basic ecological community types include: estuarine waters, tidal wetlands, freshwater ponds and lakes, freshwater wetlands, open uplands (grasslands, meadows, and shrublands), barrens and woodlands (transitional between open lands and forested uplands), and forested uplands. There are also various rare, threatened and endangered species which rely on the Town's many diverse

habitats. Most notable among theses is the piping plover, for which the State has a recovery plan in place.

In 1997, the State developed a model Bird Conservation Area ("BCA") program to provide and protect essential habitat to one or more species of breeding or non-breeding birds. The Town of Southampton contains two DEC-owned BCAs where birds and bird conservation are given priority in management of the sites. These are the David A. Sarnoff Pine Barrens Preserve and DEC-owned South Shore Tidal Wetlands. In addition, coastal areas of the Town host a large diversity of avian species during spring and fall migrations.

The Town has designated three Critical Environmental Areas (CEAs) — its Aquifer Protection Overlay District and two culturally significant properties, the Shinnecock Indian Contact Period Village Fort and the Sugar Loaf Hill Shinnecock Indian Burial Ground. State designated CEAs include areas of the Pine Barrens, Maple Swamp, Sears Bellow, Red Creek, Dwarf Pine Forest, and Long Pond.

2.5.2 Potential Impacts on Ecologic Resources

Construction of new ground-built facilities may potentially result in minor impacts to vegetation including the direct, temporary or permanent loss of vegetation; alteration of plant community structure and composition; minor forest fragmentation; and possible impacts to endangered, threatened or rare species related to habitat disruption. Non-endangered fish and wildlife could similarly be disturbed. Ongoing impacts to vegetation associated with maintenance or other operational activities are typically limited to mowing or weed control within the footprint of the site. Impacts to vegetation are not likely to occur at facilities in previously disturbed areas or at antenna sites installed on existing structures.

Free-standing wireless antenna support structures, particularly towers, have also been shown to have a fatal impact on avian species and bats. Numerous collisions

and deaths have been reported and studied nationwide over the past fifty years, with most recorded at guyed television towers taller than 500 feet above ground level (AGL). Both height and guy wires have been identified as critical risk factors. For example, one critical study (Crawford and Engstrom, 2001) showed that when a 1,000-foot guyed tower known to kill more than 1,000 birds per year was reduced to 308 feet, avian fatalities dropped by more than 90 percent.

The Wireless Communications Plan and associated ordinance seeks to protect the Town's ecological resources from the impacts of wireless facility development through:

- technical support to help wireless providers locate new facilities away from sensitive resources;
- regulatory disincentives to siting facilities in ecologically valuable areas (i.e. lengthier permitting and review);
- policies that promote the use of existing structures and already disturbed sites (e.g. Town-owned rights-of-way).

Avian species will be protected through provisions in the wireless communications ordinance relating to levels of review required based on structure and mounting heights, and prohibitions against guyed towers.

As with other environmental areas, the proposed policy to favor a greater number of less visually obstructive facilities over a smaller number of larger, more visually obtrusive ones could have the potential to result in additional ground level disturbance, with an associated increase in impacts to ecological resources. However, the Plan and Local Law promote collocation and use of existing structures for antenna installations. Moreover, any such increase in ecological impacts would be weighed against the policy's reduction in visual impacts through the proposed requirements to evaluate alternative sites.

2.5.3 Mitigation to Protect Ecologic Resources

The Wireless Communications Plan and Local Law will add to the existing regulatory protections for ecological resources. The proposed Local Law prohibits the development of new guyed towers which are known to contribute to bird kills. It also sets forth landscaping standards such as requiring a minimum 25-foot landscaped buffer around the perimeter of facility compounds, requires that existing mature tree growth be preserved to the maximum extent possible, and restricts the size of the base of any transmission support structure to no more than 500 square feet and unmanned equipment cabinets to 750 square feet.

Based on the foregoing, no significant impacts are anticipated and no further mitigation was found practicable to protect ecological resources.

2.6 LAND USE AND ZONING

2.6.1 Existing Land Use and Zoning Conditions

Land Use

The Town of Southampton contains numerous diverse land uses including single-family residences, multi-family residences, businesses, industries, utilities, community services, and preserved open spaces and parklands. The Town has been growing at a rapid pace for many years and available vacant land to support development is becoming increasingly limited. There are several Town hamlet centers and incorporated villages throughout the Town.

Existing wireless communications facilities are located throughout the Town and on land that is otherwise vacant or used for industry, institutional needs, utilities, transportation, and recreation and open space. Some are located in the Aquifer Overlay District and/or the Pine Barrens Core Preservation Area.

Zoning

The Town has seventeen standard residential zoning districts including twelve single-family residential zones, four multi-family residential zones, and one open space conservation and parkland zone. There are also ten non-residence zoning districts, including eight business zones and two industrial zones.

In addition to the standard zoning districts, there are also seven overlay districts as follows: Affordable Housing, Tidal Wetlands and Ocean Beach, Tidal Floodplain, Agricultural, Aquifer Protection, Old Filed Map, and Special Old Filed Map. These districts are governed by specific regulations that address the particular resource they are designed to protect or to achieve other community goals. As previously mentioned, the Town has designated its Aquifer Protection Overlay District a Critical Environmental Area.

The Town also has five planned development districts which include: Residential (RPD), Mixed Use (MUPD), Commercial/Industrial (CIPD), Recreation/Tourism (RTPD), and Maritime (MPD). These zoning categories are not mapped and as such are considered floating zones that can be created subject to defined rules, regulations, and approvals by any property owner or by the Town's own motion. The PDD district allows flexibility in tailoring specific uses or mix of uses to a particular property or assemblage of parcels.

The Town does not have a zoning district that is exclusively dedicated for wireless communications facilities. However, the Town Code currently allows wireless communications facilities, subject to a Special Exception permit in all its standard zoning districts with the exception of the R-10, R-15, MF-44, MHS-40, SC-44, MFPRD, HO, and HC districts.

ARTICLE XXVII., "Wireless Communications Towers and Antennas", was added to Chapter 330, "Zoning", of the Town Code in 1998 when wireless communications facilities were being developed to establish coverage for widespread mobile telephone use. It requires new towers and antennas,

alternative tower structures or any modification to existing towers or antennas to be permitted as a Special Exception use by the Planning Board, with exceptions made for the addition of antennas to a legally existing tower; repairs, modifications or reconstruction of a legally existing tower so long as there is no increase in height; and tower structures not exceeding 35 feet as an accessory to an existing nonresidential use. The ordinance requires that applicants demonstrate a need for any proposed new tower. Coordination is encouraged by offering applications for multiple sites "priority review." Collocation is encouraged through a requirement that applicants provide a notarized statement of whether collocation will be accommodated on the facility. The ordinance's bulk regulations require a setback equal to 100 percent of the tower's height and include a table of separation distances from differing land uses. Aside from the aforementioned restrictions, the existing wireless communications ordinance does not set forth a maximum height restriction for special exception uses.

2.6.2 Potential Impacts on Land Use and Zoning

The Town's Wireless Communications ordinance will:

- Maintain the special use permit requirement for new tower development, but will establish streamlined reviews for preferred types and locations of facilities;
- Maintain the required setback and separation distances, while adding additional dimensional and design requirements such as camouflaging;
- Require applicants to demonstrate that the proposed facility is sited in the most preferable location on a given hierarchy. This demonstration shall include the evaluation of two feasible alternatives;
- Require applicants to attend a preapplication meeting with the Town;
- Include regulations concerning base station equipment as well as towers and antennas — e.g. base station equipment must be hidden from view

either underground or within an existing or architecturally compatible purpose-built structure;

- Expand the requirements for public notice of wireless facility applications and coordination with neighboring jurisdictions.

Under the updated ordinance, permits for wireless facilities must be renewed every ten years, so that the Town can evaluate whether the facility continues to provide necessary coverage or has been made redundant; whether new technologies are available to allow for reduced size and/or improved camouflage; and whether the facility has been maintained in compliance with local and federal regulations. Permit holders shall be required to file annual reports with the Town, demonstrating compliance with FCC guidelines on radio frequency emissions, as well as the Town's noise regulations when applicable. Permit application fees will be established for wireless facilities and annual fees will be assessed.

The Wireless Communications Plan includes Town goals for both facilitating wireless coverage, and for controlling the impacts of wireless facilities in a way that does not adversely impact the Town financially. These goals are somewhat at odds with each other, as the additional restrictions imposed on facility development may be viewed as a deterrent. However, the proposed restrictions are not without precedent in other communities. The technology for achieving the design goals of the Plan and the implementing policies of the ordinance exists and is well established. The proposed fees will be assessed to cover the Town's costs of monitoring and review, and should not present a financial hardship or significantly impair profitability.

The Town has also made efforts to balance the burden of new regulations by offering technical assistance to applicants; maintaining archives of data useful to applicants for siting new facilities; providing for flexibility in meeting the ordinances' requirements through the evaluation of alternatives; identifying

Town-owned property suitable for facility placement; and offering expedited review for applications meeting specific requirements.

With respect to land use planning, the Wireless Communications Plan and Local Law contain several recommendations and policies to improve the planning and coordination of new wireless facilities in and around the Town of Southampton:

- The Plan calls for the Town to maintain up-to-date information on existing facilities and coverage, so as to enable coverage to be provided efficiently, while avoiding redundant facilities;
- The Plan calls for the Town to reach out to other government entities and public agencies owning land in the Town to maintain information on, and coordinate the placement of wireless facilities on those properties.
- The Local Law requires increased notification and coordination with adjacent jurisdictions.

2.6.3 Mitigation to Promote Sound Land Use and Zoning Practices

The Wireless Communications Plan and proposed Local Law will not alter or further restrict the types of land uses where wireless facilities may be located. Rather, the proposed Local Law takes a performance-based approach, permitting facilities that meet a set of standards and guidelines and promoting the use of existing structures and public rights-of-way. Adherence to these standards and guidelines will promote sound land use and zoning practices.

The proposed Local Law requires that all telecommunications facilities except those permitted under §330-305 or specifically exempted under §330-304 shall require Special Exception approval by the Planning Board. In addition to the general standards and requirements put forth by the proposed legislation, the Planning Board would be required to examine the following important factors related to land use and/or zoning before issuing Special Exception approval:

(1) Height of the proposed transmission support structure.

(2) Proximity of the transmission support structure to residential structures and residential district boundaries.

(3) Nature of uses on adjacent and nearby properties.

(4) Surrounding topography.

(5) Surrounding tree coverage and foliage.

(6) Design of the transmission support structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and other potential environmental impacts.

(7) Proposed ingress and egress.

(8) Availability of suitable existing transmission support structures and antennas and other structures, or alternative technologies not requiring the use of transmission support structures or structures, as discussed in § 330-307 D of this article.

(9) Availability of suitable existing transmission support structures and antennas, other structures, or alternative technology. No new transmission support structure or antenna shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the Planning Board, that no existing transmission support structure or antenna or structure, or alternative technology that does not require the use of transmission support structures, can accommodate the applicant's proposed purpose. An applicant shall submit information requested by the Planning Board related to the availability of suitable existing transmission support structures, other structures or alternative technology. Evidence submitted to demonstrate that no existing transmission support structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

i. No existing transmission support structures or structures are located within the geographic area, which meet applicant's engineering requirements.

ii. Existing transmission support structures or structures are not of sufficient height to meet the applicant's engineering requirements.
iii. Existing transmission support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on existing transmission support structures or structures, or the antenna on the existing transmission support structure or structure would cause interference with the applicant's proposed antenna.
v. The fees, costs or contractual provisions required by the owner in order to share an existing transmission support structure or structure or to adapt an existing transmission support structure or structure for sharing are unreasonable. Costs exceeding new transmission support structure development are presumed to be unreasonable.
vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
vii. The applicant demonstrates that an alternative technology that does not require the use of transmission support structures of structures is unsuitable. Costs of alternative technology that exceed new transmission support structure or antenna development shall not be presumed to render the technology unsuitable.

Unlike the existing wireless communications law, the proposed legislation sets forth various maximum transmission facility height standards that are tied to the level of review required. The Plan and Local Law are supportive of allowing for a greater number of lower, camouflaged, and less obtrusive antennas on existing structures rather than fewer but larger and more conspicuous structures which would otherwise be detrimental to community character and aesthetic qualities.

The subject legislation includes requirements that towers and monopoles be set back a distance of 100 percent of the height of the tower from any adjoining lot and that all accessory buildings or structures conform to the minimum district setback requirements. The Local Law also includes standards and requirements for separation distances from off-site residential uses and zoning districts, recommends that the antennas be centrally located when mounted on buildings or water towers, and when side mounted, should be installed on a side that is less likely to be seen from residences, public parks, open spaces, and public streets. The Local Law identifies that the installation of antennas on existing structures located within street, utility, and railroad rights-of-way are preferred rather than at new locations that require the construction of new support structures that may have greater affect on environmental resources. The proposed law also restricts the base of any transmission support structure to no more than 500 square feet.

Finally, the draft law also provides that through the Special Exception process, the Planning Board shall have authority to impose conditions that are reasonably necessary to minimize any adverse effect of proposed transmission support structures on adjoining properties. This provides an additional level of protection to address site and project specific impacts that may not be foreseen.

The aforementioned standards help to ensure an adequate fall zone and protection of adjacent properties, buildings, and people from falling ice. They also help to ensure that related support structures maintain consistency and conformity with existing zoning requirements in order to maintain orderly development patterns and to perpetuate the desired community character.

Based on the environmental review, no significant environmental impacts have been identified and no further mitigation is necessary.

2.7 TRANSPORTATION

2.7.1 Existing Transportation Conditions

The Town of Southampton is served by a transportation system supporting a variety of travel modes including: motor vehicle, bus, rail, boat, airplane, helicopter, bicycle, and pedestrian. It has a small airport and significant land along the Atlantic Ocean, Peconic Estuary, and other navigable water bodies. Vehicle traffic has steadily increased over the years affecting traffic flow and available road capacity. Ten percent of the highway mileage in the Town is controlled by the State Department of Transportation (DOT).

2.7.2 Potential Impacts on Transportation Systems

While the proposed plan recommends collocation of communication facilities, communications facilities will generate a very small number of vehicle trips, perhaps one or two trips per month for maintenance or inspection purposes depending on the number of (collocated) facilities.

2.7.3 Mitigation to Minimize Transportation Systems Impacts

Wireless communications facilities take up little space and generally affect a very small portion of a property. Stand alone wireless sites are usually large enough to provide space for at least one or two vehicles that may need to be parked for infrastructure inspections and maintenance. The level of traffic generated by future wireless communications facilities will be very small and the dispersed nature of the facilities makes any potential impacts negligible.

Section 330-306 C. of the draft law indicates that as part of any Special Exception review, the Planning Board shall consider proposed ingress and access to transmission sites. Each new communications facility (including collocated facilities) should have available space whether by existing on-street or off-street

parking, adequate shoulder space, or an area on-site to accommodate a minimum of two maintenance, installation, and/or inspection vehicles so that streets, bike lanes, and sidewalks will not be unnecessarily obstructed.

2.8 COMMUNITY SERVICES AND UTILITIES

2.8.1 Existing Conditions Relative to Community Services and Utilities

The Town is served by a wide variety of community services and utilities including: police, fire and ambulance, public schools, electrical, cable television, and natural gas utilities, solid waste disposal, public water in some areas through the Hampton Bays Water District and Suffolk County Water Authority, and wireless communications facilities. Portions of the Town with low density and population are not served by public water supplies and no public wastewater treatment plants exist within the unincorporated Town. The Plan thoroughly inventories the locations of existing wireless communications facilities and identifies areas of limited coverage.

2.8.2 Potential Impacts on Community Services and Utilities

Public water and sewage systems are not common components of wireless communications facilities. Wireless services generally do not pose fire, police, or rescue demands and have no impact on school districts. These facilities also do not commonly generate solid waste. It is expected that the Plan and Local Law will help in establishing and appropriately siting wireless communications facilities. This will have an overall positive effect on the coverage, type, and quality of wireless services provided in the Town.

2.8.3 Mitigation of Impacts on Community Services and Utilities

No significant impact to community services and utilities such as public water or sewer, local schools, electricity, cable television, police, fire, rescue, and

ambulance, solid waste disposal, or local government are anticipated by the adoption of the Plan and proposed Zoning Code amendments. No further mitigation is warranted.

2.9 CULTURAL, HISTORIC, AND VISUAL RESOURCES

2.9.1 Existing Conditions Relating to Cultural, Historic, and Visual Resources

According to the Town's 1999 Comprehensive Plan Update, there are a total of six sites in the Town that are listed on the National Register of Historic Places and 84 sites (including the National sites) listed on the State Inventory of Historic Places. The Town's 1999 Comprehensive Plan Update also identified the location of concentrations of historic structures in the Town. These areas include historic portions of most communities including: Flanders, Eastport, Speonk/Remsenburg, Westhampton, East Quogue, Hampton Bays, Shinnecock, North Sea, Bridgehampton and Water Mill.

Article XXVIII, Chapter 330 of the Southampton Town Code contains the Town's *Landmarks and Historic Districts and Heritage Resource Areas*. It also established the Town Landmarks and Historic Districts Board which is authorized among other things to:

- conduct research and reviews relating to historic resources and provide recommendations to the Town Board as to the designation of historic landmarks and districts and how they or the resources within them can be preserved and protected;
- make recommendations concerning the utilization of historic preservation funding; and
- make recommendations regarding the acquisition of historic real estate or easements, conduct public education and outreach, approve or disapprove certificates of appropriateness for the alteration, demolition, or new

construction affecting landmarks or historic districts, and other powers (§330-320 of the Southampton Town Code).

At present, the Town has two designated Hamlet Heritage areas (Eastport/Speonk/Remsenburg and Water Mill) and is currently considering a third heritage designation in the Quiogue community.

Based on a review of an archaeological sensitivity map from the Town's Division of Geographic Information Systems' database, known archaeological sites are distributed throughout the Town. Areas of particular sensitivity include: the Shinnecock area, the south shore of Noyack Bay, the Mecox/Sagaponack area, North Sea shore area, Flanders and Riverside communities, Eastport, and at dispersed locations along the south shore of the mainland. Most areas of sensitivity are in close proximity to the shoreline.

Archaeologically sensitive areas are delineated based on the mapping of a one-mile diameter around sites that contain documented archaeological discoveries. Properties on which the soils have been previously disturbed and/or are far removed from surface water features tend to have less potential for the presence of intact archaeological features or resources than others.

2.9.2 Potential Impacts on Cultural, Historic, and Visual Resources

The adoption of the proposed Plan and Local Law are not expected to have a significant impact on cultural, historic, and visual resources.

Siting future wireless communications facilities in areas where there are existing cultural, historic, and visual resources could have small impacts if not properly mitigated and camouflaged. Section 4.0, *Mitigation*, of the Plan and §§ 330-305 D.(2) (a), 330-305 D.(3)(c)[2], and 330-313 address these concerns.

2.9.3 Mitigation to Protect Cultural, Historic, and Visual Resources

The proposed code amendments require that Tier Two facilities located within recognized or protected historical structures, areas or districts undergo Special Exception review (§ 330-305 D.(2)(a)). They also prohibit Tier Three wireless communications facilities within street rights-of-way that are nominated or designated scenic corridors or historic hamlet heritage areas 330-(305 D.(3)(c)[2]). Section 330-313 of the proposed Local Law formalizes other mitigations such as:

- facility placement standards on or within historic structures;
- requirements for special exception review for facilities within historic structures or heritage areas or districts and that they be referred to the Town's Landmarks and Historic Districts Board for review;
- adherence to the Secretary of the Interior's Standards for Rehabilitation of structures as codified under 36 CFR 67 to retain their historic integrity (SOI and NPS, 2008); and
- requirements for the use of camouflage or stealth techniques.

Facilities on Federal and State designated historic sites and structures may also be subject to approvals from the appropriate Federal and State agencies.

New facilities such as towers and monopoles that may disturb the ground surface should not be located on or near those sites that have documented occurrences of important archaeological resources unless it can be demonstrated that the facilities will not adversely affect these resources (e.g., no significant ground disturbance). Two areas that must be avoided are the Shinnecock Indian Contact Period Village Fort site and Sugar Loaf Hill Shinnecock Indian Burial Grounds and Archaeological Resource Area. These sites are identified by § 157-10 B. (4) (a) and (b) as "Critical Areas".

The proposed Local Law places specific emphasis on the mitigation of visual impacts from wireless communications facilities. Issues relating to potential impacts to visual resources are addressed to the extent possible by the Plan and Local Law through requirements or recommendations relating to:

- Use of camouflage and stealth techniques, including materials that are compatible with architectural features and the character of existing buildings and structures;
- Stepping back roof and interior mounted facilities from the building face in order to lessen impacts on the building's profile and architectural design;
- Painting side- and roof-mounted antennas to match the surrounding structure to which they are attached and painting structures and facilities that extend above the tree line with neutral non-reflecting colors (gray, silver, or light blue) to blend with the skyline (accept as may be required by the FAA);
- Concealing rooftop structures from public view behind more attractive architectural elements such as parapets;
- Limiting the over-utilization and concentration of specific types of stealth techniques so that they do not overwhelm or detract from the character of an area;
- Installation of support equipment in buildings or underground vaults to remove them from public view;
- Consideration by the Planning Board as to the need to require a Visual Addendum EAF and possible detailed visual analyses of certain wireless communications projects;
- Landscaping;
- Minimum 25-foot compound perimeter buffers around transmission support structure compounds;
- Use of climbing evergreen shrubs or vines and/or use of interwoven wooden slats on chain-link security fencing;

- Prohibitions against lighting, except for properly shielded security lighting and any lighting required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC);
- Restrictions on the use of flags or advertising on stealth flagpole installations;
- Maintenance of structures; and
- Removal of inoperable structures in a timely manner.

After review of the proposed Plan and Local Law and its various provisions and mitigations, no significant environmental impact on cultural, historic, and visual resources have been identified and no further practicable mitigation has been identified.

2.10 CRITICAL ENVIRONMENTAL AREAS

2.10.1 Existing Conditions/Critical Environmental Areas

Critical Environmental Areas (CEAs) in the Town of Southampton include the following:

County-Designated CEAs

1) Lands contemplated for acquisition by the County, known as:

- Maple Swamp,
- Sears Bellows addition,
- Red Creek,
- Parcel between Red Creek and County Park,
- Dwarf pine forest, and
- Long Pond;

2) Special Groundwater Protection Areas [as required by Article 55 of ECL filed by Long Island Regional Planning Board];

3) Scallop Pond; and
4) Peconic Bay and Environs.

Town of Southampton-Designated CEAs

1) Aquifer Protection Overlay District;
2) Central Pine Barrens area as defined in § 57-0107(10) of the New York State Environmental Conservation Law as same may be amended from time to time;
3) Freshwater wetlands and adjacent areas currently subject to regulations by New York Department of Environmental Conservation pursuant to Article 24 of the Environmental Conservation Law of the State of New York; and
4) Areas of particular concern with respect to locations having social, cultural, historic, archaeological or educational importance:
    a) Shinnecock Indian Contact Period Village Fort; and
    b) Sugar Loaf Hill Shinnecock Indian Burial Ground.

2.10.2 Potential Impacts on Critical Environmental Areas

Adoption and implementation of the proposed Plan and code amendments is not expected to have any direct or substantial impacts on critical environmental areas in the Town. In fact, as with all other categories of review in the DGEIS, it is expected to have a generally positive impact on the environment when compared to the Town's existing wireless communications regulatory framework. Nevertheless, future construction of wireless communications facilities may have small impacts if they are located in areas containing freshwater wetlands, parklands having critical open space and environmental resources, or important archaeological sites if they are constructed in or immediately adjacent to these areas.

2.10.3 Mitigation to Protect Critical Environmental Areas

Impacts on Critical Environmental Areas are mitigated by proper siting, including avoidance of environmentally or culturally sensitive areas, limits on clearing, adherence to existing Town, County, regional or State environmental regulations, and employment of mitigation strategies outlined in the proposed law.

Section 330-302 B. (2) of the proposed Local Law lists wireless facilities "avoidance areas" in which facilities shall not be sited. These avoidance areas, as listed below, include some which are considered Critical Environmental Areas.

(a) Flood hazard zones;
(b) Central Pine Barrens (Core Preservation Area), unless approved by the Central Pine Barrens Joint Policy and Planning Commission;[2]
(c) Agricultural Lands and Open space/Greenbelt areas unless the installation is fully camouflaged or "stealth";
(d) Historically and culturally significant resources unless it can be demonstrated that an installation will not adversely affect the historic resource and is fully reversible;
(e) Existing single-family dwellings in residential zones;
(f) Designated conservation areas and/or lands purchased by the Community Preservation Fund, unless expressly authorized;
(g) Scenic or visual corridors, unless the installation is fully camouflaged or "stealth"; and
(h) Wetlands, both tidal and freshwater.

All future communications facilities must comply with all State and Local wetlands permit requirements, as applicable. Areas documented as supporting threatened and/or endangered species/wildlife or exceptionally rare habitats

[2] Applications for facilities within the Central Pine Barrens area will be referred to the Central Pine Barrens Joint Planning and Policy Commission for review.

should also be included as avoidance areas if new facilities are expected to significantly affect them.

Based on a review of the proposed Plan, Local Law, existing environmental regulations, and critical environmental areas in the Town, no significant environmental impact to these areas are anticipated and no further mitigation is warranted.

2.11 NOISE

2.11.1 Existing Conditions Relating to Noise

Ambient noise levels in the Town vary by location and depend on the source of the noise, sound pressure levels, pitch and frequency, duration of sound, time of day, relative humidity, wind direction, topography, nature and location of nearby sensitive noise receptors, and physical obstructions between the source and receptor. Noise is currently regulated by the Town pursuant to Chapter 235 of the Southampton Town Code. Section 235-3 sets forth noise standards and § 235-4 lists exceptions to the standards.

2.11.2 Potential Impacts on Ambient Noise Levels

No significant noise impacts have been identified by the environmental review of the adoption of the Plan and amendments to the Town Code. Brief and minor noise impacts could result, however, during construction of communications facilities in the future including construction and post construction phases. These impacts are expected to be very small.

2.11.3 Mitigation to Minimize Noise Impacts

Section 330-308 B., "Monitoring and Maintenance", of the proposed legislation requires that within 90 days of the issuance of a Certificate of Compliance and at annual intervals from the date a Special Exception approval is received, that the

applicant submit to the Town, facility noise data that is signed by an acoustical engineer indicating that noise measurements are accurate and meet the Town's noise standards. Wireless facilities and associated generators, equipment, and machinery should be made to conform to the Town's noise ordinance Chapter 235. Construction activities should be restricted to daylight hours (except perhaps for emergencies) if they involve the use of heavy equipment in residential areas. Appropriate noise attenuation strategies should be incorporated into plans where noise levels are expected to exceed Town standards and a nearby receptor would be negatively affected. Required minimum 25-foot landscaped buffers around the perimeter of transmission support structures and facilities and use of slatted fencing would help to attenuate noise to a small degree.

Based on the foregoing, and in consideration of the Plan, Local Law, and available mitigations, no significant environmental impacts are anticipated and no further mitigation is warranted.

2.12 ENERGY/ENERGY CONSERVATION

2.12.1 Existing Conditions Relating to Energy Resources/Energy Conservation

Energy resources in the Town consist primarily of natural gas, propane, electricity, and gasoline and diesel fuels.

2.12.2 Potential Impacts on Energy Resources/Energy Conservation

Very small quantities of fuel such as electricity, propane, fuel oil, or diesel fuel may be used during the construction and operation of some facilities. This consumption is expected to be negligible and no significant energy impacts are expected from the adoption of the Plan and code amendments.

2.12.3 Mitigation to Minimize Energy Impacts

No significant impact to energy resources are anticipated from the adoption and implementation of the subject Plan and Local Law and no further mitigation is warranted.

2.13 PUBLIC HEALTH AND SAFETY

2.13.1 Existing Conditions Relating to Public Health and Safety

The Town is served by Town, State, and County police and a number of volunteer fire departments and ambulance corps. The County Health Department oversees various aspects of public health. The Federal government including the FCC and FAA are responsible for regulating certain health and safety aspects of wireless communications facilities.

2.13.2 Potential Impacts on Public Health and Safety

There are a few minor public health and safety issues or concerns associated with wireless communications facilities. These include potential exposure to non-ionizing electromagnetic radiation (a very low hazard), unauthorized entry into facility areas (e.g., climbing on structures), release of hazardous substances such as oil, propane, or other fuel for system generators or clearing, construction and installation equipment, the very unlikely occurrence of a structural fall, maintenance personnel falling from structures, falling ice, and poor or infrequent maintenance which compromises the structural integrity of a facility (Federal Communications Commission, 2000 and 2008; Mulherin, N.D., 1996; USEPA, 2008; and Cape Cod Commission, 1997)

2.13.3 Mitigation to Minimize Impacts on Public Health and Safety

Concerns are sometimes raised by the public regarding radio frequency emissions. As indicated in the Wireless Communications Plan, Section 704 of the Federal

Telecommunications Act of 1996 prohibits local authorities from rejecting an application for wireless facilities based on health concerns associated with radio frequency emissions if the facilities meet the FCC's standards for these emissions.

The proposed Local Law contains a number of policies which target public health and safety. Adequate separation distances as outlined in Table 1 of the proposed Local Law will assist in protecting the general health, safety, and welfare of the community. The Plan and Local Law provide for significant setbacks and fall zones that will protect the public from NIER, falling ice, and structural collapse. They place applicants on notice that wireless communications facilities must conform to Federal guidelines for NIER, shock and burn (47 C.F.R. § 1.1310), security fencing, and signage and State and local building codes. The proposed Local Law specifically requires that transmission support structures be enclosed by security fencing not less than six feet in height and that support structures include anti-climbing devices unless the Planning Board waives such requirements, as it may deem appropriate.

The Local Law requires that applications for wireless communications systems include a statement from a registered professional electrical engineer accredited by the State of New York who holds a federal communications general radio telephone operator license which includes the calculated NIER levels attributable to the proposed antennas at points along the property line and other areas off-site which are higher than the property line points, as well as calculated power density (NIER levels) in areas that are expected to be unfenced on-site.

As with the existing law, it also addresses inspection and monitoring of facilities and includes a maximum period in which issues of structural integrity must be satisfactorily resolved or else the structure/antenna may be removed at the owner's expense. The proposed law also indicates that railings must be provided around all exposed roof-mounted facilities and that all transmission support structures shall not be illuminated unless required by the FAA for safety reasons

or to provide security around equipment shelters, provided that the lighting is properly shielded from adjoining properties and streets.

Any potentially hazardous materials or components containing potentially hazardous materials should be disposed in accordance with pertinent NYSDEC regulations. Fuel storage for generators or other equipment should also be constructed in accordance with any applicable NYSDEC standards and specifications including secondary containment, spill, and overflow protection.

Based on the foregoing, and in consideration of existing and proposed inspection, maintenance and avoidance and mitigation strategies, no significant public health or safety issues are anticipated from the adoption and implementation of the Plan and Local Law and no further mitigation is warranted.

SECTION 3

Alternatives

3.0 ALTERNATIVES

3.1 INTRODUCTION

6 NYCRR Part 617 (SEQR) requires that reasonable project alternatives be assessed in light of the objectives and capabilities of the project sponsor. During the course of the planning and legislation drafting stages, the Town considered and studied a number of possible alternatives. In so doing, the Town was able to identify what it believes are the most appropriate standards, specifications and recommendations to meet its goals of reducing impacts from wireless communications facilities while balancing social and economic considerations and Federal requirements including those falling under the 1996 Federal Communications Act.

SEQR requires that every environmental impact statement (EIS) include an examination of the "no-action" alternative in order to assess the potential effects of not undertaking the proposed action. The review of the no-action alternative involves a description and evaluation of anticipated conditions if the proposed action (adoption and implementation of the proposed Plan and Local Law) is not undertaken. The evaluation of no-action conditions will be based on a comparative assessment between what can be expected under current rules and regulations as compared to conditions that are guided by the proposed plan and code amendments.

3.2 NO-ACTION ALTERNATIVE

If the subject action is not undertaken:

- The Town will have to rely on the existing Wireless Communications Towers and Antennas law which does not fully and adequately address contemporary wireless communications issues.
- The Town would not have had the benefit of a comprehensive inventory, review, and analysis by experts specializing in land use and

telecommunications and a public hearing which identified issues and concerns, each of which culminated in the preparation of the Wireless Communications Plan and associated recommendations and zoning code amendments.

- The definitions section (330-300) of the wireless communications law Local Law would continue to be inadequate to address contemporary terminology and ever changing technology and issues associated with the wireless communications industry and its use of land.
- The level of detail paid to ensuring stealth and camouflaging as in the proposed law would not exist.
- The specific maximum height standards tied to levels of review outlined in the proposed law would not be in place.
- There would be no requirement that support equipment be installed in a vault underground or in an existing building, that equipment buildings be designed consistent with standards that meet traditional community character, architectural styles, and materials, or that they be camouflaged and located behind landscaped buffers of equal height of the structure and/or fencing equipped with wooden slats.
- There would be less clarity as to which zoning requirements should be used, particularly for those to be installed within street, utility, and railroad rights-of-way.
- The Town's preference for installing antennas on existing or replacement structures within street, utility or railroad rights-of-way in residential neighborhoods would not be officially conveyed through the Town's policy framework.
- Restrictions relating to signage would be less defined. No mention would be made of the need to provide site identification and safety warning signs or signage relating to equipment cabinets or structures which conform to the Town's sign ordinance.

- Architectural Review/Design Review Board assessments would not be required for certain wireless communications facilities, including specific standards for roof and interior mount, side mount, structure mount, base station, equipment shelter, and WI-Fi/WiMax facilities.
- Policies restricting the over-utilization of specific types of stealth techniques in an area would not be codified.
- There would not be a requirement for applicants to attend a pre-submission conference for special exception applications exceeding identified thresholds or the notice to the Planning Board that a Visual EAF Addendum may and should, in some instances, be required.
- The more comprehensive and specific antenna development standards and the design standards relating to landscaping, color, fencing, and lighting would not be in affect.
- The construction of new guyed towers would not be expressly prohibited.
- Railings would not be required around all exposed roof-mounted facilities.
- Limits on the maximum square footage of the base of transmission support structures would not be written into law.
- Minimum separation distances between existing and proposed transmission support structures would be greater for the various support structures except for monopoles that are less than 75 feet in height.
- The visual compatibility standards provided in the proposed Local Law would not exist.
- Special standards and policies for protecting historic buildings, structures, districts, and areas would not be in place.
- The existing policy framework would not contain or reference the specific interference, NIER (Non-Ionizing Electromagnetic Radiation) exposure, and shock and burn standards.
- Standards for monitoring and maintaining wireless communications facilities including NIER enforcement, requirements for submitting noise data within 90 days of the issuance of a Certificate of Compliance, and at annual intervals

from the date of Special Exception approval, renewal of permits every ten years, and inspection and maintenance of structures, landscaping, buffers, and site security features would not be codified.

- The maximum time period to remove abandoned towers and antennas would be 90 days after a period of 12 months in which the structure was not continuously operated as opposed to just 180 days after it is no longer operating, unless it was shown that the antenna would likely be used again within the next six months.

3.3 CONCLUSION

Based on the preceding analysis, the subject action, adoption of the proposed Wireless Communications Plan and implementing legislation, Article XXVII, "Wireless Communications Transmission Support Structures and Antennas," is one that is considered superior in terms of addressing, avoiding, and mitigating potential environmental impacts when compared to the no-action alternative.

SECTION 4

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